

# EXHIBIT 14

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

JOHN RASH,

Plaintiff,

CASE NO.: 3:20-cv-224-NBB-RP

v.

LAFAYETTE COUNTY,  
MISSISSIPPI,

Defendant.

\_\_\_\_\_ /

REMOTE VIDEOTAPED DEPOSITION OF JOEY EAST

DECEMBER 18, 2020

Reported by:

GINA WILLIAMS, RPR, CRR, CRC

JOB NO. 187734

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6  
7 DECEMBER 18, 2020  
8 9:14 a.m.  
9  
10 Remote Videotaped Deposition of JOEY EAST in the  
11 above-styled action before Gina Williams, Registered  
12 Professional Reporter and Certified Realtime Reporter.  
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18 REPORTER'S NOTE:  
19 QUOTATION MARKS ARE USED FOR CLARITY AND DO NOT  
20 NECESSARILY REFLECT A DIRECT QUOTE  
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1 J. EAST  
2 COURT REPORTER: My name is Gina Williams with  
3 TSG Reporting. Due to the severity of COVID-19, the  
4 videographer and I will not be in the same room with  
5 the witness and will swear the witness remotely.  
6 Do all parties stipulate to the validity of the  
7 remote process, transcript, and swearing of the  
8 witness?  
9 MR. YOUNGWOOD: Yes.  
10 MR. O'DONNELL: Yes.  
11 VIDEOGRAPHER: This is the start of Media 1 of  
12 the video deposition of Joey East in the matter of John  
13 Rash versus Lafayette County, Mississippi in the United  
14 States District Court, Northern District of  
15 Mississippi, Case Number 3:20-cv-224.  
16 This deposition is being held remotely on  
17 December 18, 2020. The time is 9:14 a.m. My name is  
18 JaaRome Williams with TSG Reporting.  
19 Would counsel please introduce themselves for the  
20 record?  
21 MR. YOUNGWOOD: Yes. Jonathan Youngwood and Lily  
22 Cron for the Plaintiffs.  
23 MR. O'DONNELL: David O'Donnell on behalf of  
24 Lafayette County, Mississippi.  
25 MR. YOUNGWOOD: And actually Mr. Williams should

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1  
2 A P P E A R A N C E S :  
3  
4 SIMPSON THACHER  
5 Attorney for Plaintiff  
6 425 Lexington Avenue  
7 New York, NY 10017  
8 By: JONATHAN YOUNGWOOD, ESQUIRE  
9 LILY CRON, ESQUIRE  
10  
11  
12  
13 Attorney for Plaintiff  
14 P.O. Box 69  
15 Taylor, MS 38673  
16 By: C. JACKSON WILLIAMS, ESQUIRE  
17  
18 CLAYTON O'DONNELL  
19 Attorney for Defendant  
20 1403 Van Buren Avenue  
21 Oxford, MS 38655  
22 By: DAVID O'DONNELL, ESQUIRE  
23  
24  
25 VIDEOGRAPHER: JAAROME WILLIAMS

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1 J. EAST  
2 introduce himself as well, or I can introduce him.  
3 Jack Williams is also on for the Plaintiffs -- or  
4 Plaintiff, I should say.  
5 - - - -  
6 WHEREUPON,  
7 JOEY EAST  
8 was called as a witness and, after having been first duly  
9 sworn, was deposed and testified as follows:  
10 EXAMINATION  
11 BY MR. YOUNGWOOD:  
12 Q Good morning, Sheriff East. My name is John  
13 Youngwood. I've just introduced myself on the record, and  
14 I'm one of the attorneys representing the Plaintiff,  
15 Mr. Rash, in this matter.  
16 Could you state your current employment, please?  
17 A Currently the sheriff here in Lafayette County,  
18 Mississippi.  
19 Q And you've had that position for almost a year?  
20 Do I have that correct?  
21 A Yes, sir.  
22 Q You were elected last December?  
23 A Yes, sir.  
24 Q And you assumed the position in January of 2020?  
25 A Yes, sir.

<p style="text-align: right;">Page 6</p> <p>1 J. EAST</p> <p>2 Q Okay. And prior to that time you had taken a</p> <p>3 leave of absence, I believe, from your prior position?</p> <p>4 A Yes, sir, that is correct.</p> <p>5 Q Okay. And that was in connection with running</p> <p>6 for the office of sheriff; is that right?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. And what was your prior position then?</p> <p>9 A I was the chief of police at the Oxford Police</p> <p>10 Department, Oxford, Mississippi.</p> <p>11 Q And of course Oxford is within Lafayette County;</p> <p>12 right?</p> <p>13 A Yes, sir.</p> <p>14 Q Okay. So you've been -- I'm sorry.</p> <p>15 And how long had you been at the Oxford Police</p> <p>16 Department before becoming chief of police?</p> <p>17 A I was hired in 1991 and was there my whole</p> <p>18 career, minus four, where I was with the Mississippi</p> <p>19 Attorney General's Office.</p> <p>20 Q When were you with the Mississippi Attorney</p> <p>21 General's Office?</p> <p>22 A I think I went in in '98, 1998, and I was there</p> <p>23 four years.</p> <p>24 Q Was that you had left the Oxford Police</p> <p>25 Department, or you were on a leave, or what was --</p>	<p style="text-align: right;">Page 7</p> <p>1 J. EAST</p> <p>2 A No, sir.</p> <p>3 At the time I was assigned to the narcotics unit</p> <p>4 in our county and city, and I left to take a job with the</p> <p>5 Attorney General's Office, worked as a Youth Service</p> <p>6 Division Investigator with Mike Moore in his office.</p> <p>7 Q Let's briefly just talk about the time between</p> <p>8 '91 and when you went to the Attorney General's Office.</p> <p>9 What was your position or title or rank in the</p> <p>10 Oxford Police Department?</p> <p>11 A I was hired on in '91 as a dispatcher, then I was</p> <p>12 hired as a patrol officer and had many job tasks during that</p> <p>13 time from DUI officer through I became an instructor and</p> <p>14 taught some.</p> <p>15 I then was assigned to the Metro Narcotics Unit</p> <p>16 here in Lafayette County, was there for roughly four years</p> <p>17 until I took the position with the Mississippi Attorney</p> <p>18 General's Office.</p> <p>19 Q And for those four years I think you gave your</p> <p>20 title or your general position, but just tell me a little</p> <p>21 bit more about what you did in the four years with the</p> <p>22 Attorney General's Office.</p> <p>23 A I was mainly assigned to Youth Services Division.</p> <p>24 At that time General Moore had won the tobacco</p> <p>25 settlement, and we were awaiting a brand of unit that would</p>
<p style="text-align: right;">Page 8</p> <p>1 J. EAST</p> <p>2 use minors and track -- we would do a grant -- make sure</p> <p>3 people were following the grant properly. We would do</p> <p>4 undercover work where we'd send youth in to see if they</p> <p>5 could buy tobacco and/or alcohol.</p> <p>6 Q And during those four years, were you working out</p> <p>7 of the Oxford area, or were you working out of a different</p> <p>8 area of the state?</p> <p>9 A No, sir. Out of Oxford.</p> <p>10 Q And you then spent about four years there, so if</p> <p>11 I'm counting right, about 2002 you returned to the Oxford</p> <p>12 Police Department?</p> <p>13 A Yes, sir, that's correct.</p> <p>14 Q Okay. What did you return as?</p> <p>15 What was your job then?</p> <p>16 A I came in as the commander of the drug unit. I</p> <p>17 was hired by the police department to run that unit. I did</p> <p>18 that, and then I was assigned a leave of imposition. I was</p> <p>19 put over investigations -- all investigations with the city.</p> <p>20 And from that position I became a major. Then I was</p> <p>21 promoted to the deputy chief position. And then later on I</p> <p>22 was awarded the chief of police position.</p> <p>23 Q And what year did you become chief of police</p> <p>24 then?</p> <p>25 I guess six years before 2019, around 2014?</p>	<p style="text-align: right;">Page 9</p> <p>1 J. EAST</p> <p>2 A Yes, approximately 2012, 2013.</p> <p>3 Q Okay. And let's just go briefly back before</p> <p>4 1991.</p> <p>5 What were you doing before 1991?</p> <p>6 Were you in school?</p> <p>7 A Yes, sir, I was in school at Northeast -- I mean</p> <p>8 Northwest and had numerous jobs from working at a body shop</p> <p>9 and working at the local dog store.</p> <p>10 Q How old were you when you joined the police force</p> <p>11 in 1991?</p> <p>12 A I was 20 years old.</p> <p>13 Q And your family has a background in law</p> <p>14 enforcement as well; am I correct?</p> <p>15 A Yes, sir. My father was the sheriff here in</p> <p>16 Lafayette County.</p> <p>17 Q He was the sheriff for 46 years.</p> <p>18 Do I have that right?</p> <p>19 A That's correct.</p> <p>20 Q Safe to say you grew up with law enforcement in</p> <p>21 Lafayette County?</p> <p>22 A Yes, sir.</p> <p>23 Q What led to you making the decision to run for</p> <p>24 sheriff in 2019?</p> <p>25 A A lot of prayer, a lot of talk with my family,</p>

<p style="text-align: right;">Page 10</p> <p>1 J. EAST</p> <p>2 and just felt that that was the -- that's the way the Lord</p> <p>3 was leading me. So that's when I left and chose to run for</p> <p>4 that. It just seemed like it was a natural fit.</p> <p>5 Q Okay. I apologize for not knowing this because</p> <p>6 it's certainly public record.</p> <p>7 How long is your term?</p> <p>8 How long until you have to run again?</p> <p>9 A Four years.</p> <p>10 Q So you'll run again in '23?</p> <p>11 A 2024.</p> <p>12 No, 20 --</p> <p>13 Yeah, 2024.</p> <p>14 Q I'm sorry. My question may not have been as</p> <p>15 precise as it could have been.</p> <p>16 Your term began in 2020. If you're elected to a</p> <p>17 second term, it will begin in 2024; is that right?</p> <p>18 A 2025.</p> <p>19 Q Okay. I see.</p> <p>20 A Four-year term.</p> <p>21 Q Okay. And there are no term limits. You can run</p> <p>22 again. You can keep running; is that right?</p> <p>23 A Yes, sir.</p> <p>24 Q Okay. Let's talk a little bit about just the</p> <p>25 structure and the jurisdiction of the Oxford Police</p>	<p style="text-align: right;">Page 11</p> <p>1 J. EAST</p> <p>2 Department. At the time that you left it last year, how</p> <p>3 many officers?</p> <p>4 A When I left, we had 80 officers.</p> <p>5 Q Okay. And the jurisdiction is Oxford itself; is</p> <p>6 that right?</p> <p>7 A Yes, sir.</p> <p>8 Q And approximately how many square miles or</p> <p>9 whatever the best way to measure the size of Oxford is?</p> <p>10 A When I became chief, we were right at 16 square</p> <p>11 miles. We annexed, in my time as chief, to where they</p> <p>12 currently are 26 square miles, approximately.</p> <p>13 Q And the county, are there -- strike that.</p> <p>14 As sheriff, what is your jurisdiction?</p> <p>15 What is your geographic jurisdiction?</p> <p>16 A Sheriff's Department is approximately -- we cover</p> <p>17 670 square miles. 40 of that is water, approximately.</p> <p>18 Q And are there --</p> <p>19 Within those 670, do you exclude, for example,</p> <p>20 the 26 square miles that are part of the City of Oxford?</p> <p>21 A Although we have jurisdiction, we try to allow</p> <p>22 the City of Oxford to perform their own duties. We assist</p> <p>23 them if they need us.</p> <p>24 Same with University of Mississippi. It's inside</p> <p>25 the county, but we allow them to take care of their own</p>
<p style="text-align: right;">Page 12</p> <p>1 J. EAST</p> <p>2 area.</p> <p>3 Q Okay. So you have jurisdiction, but you try to</p> <p>4 defer where possible to the local police force?</p> <p>5 A Yes, sir.</p> <p>6 Q Are there --</p> <p>7 You mentioned City of Oxford. You mentioned</p> <p>8 University of Mississippi.</p> <p>9 Are there other areas within the County of</p> <p>10 Lafayette that have local police forces that you try to</p> <p>11 defer to?</p> <p>12 A Yes, sir, the community of Abbeville. They're</p> <p>13 incorporated. They have their own police chief and a couple</p> <p>14 part-time officers and so we will assist them when no one's</p> <p>15 on duty, but we try to allow them to handle that area also.</p> <p>16 Q Okay. Anything else, or you've listed the three?</p> <p>17 A Yes, sir, I think those are the only ones that</p> <p>18 has an officer under their control.</p> <p>19 Q And if you combine the geography covered by those</p> <p>20 three, we have the 26 from the City of Oxford. What's</p> <p>21 the --</p> <p>22 Do you know what the square mileage is for the</p> <p>23 university?</p> <p>24 I assume it's smaller.</p> <p>25 A No, sir, I don't.</p>	<p style="text-align: right;">Page 13</p> <p>1 J. EAST</p> <p>2 Q Or for the --</p> <p>3 I'm sorry. I forget the name of the third</p> <p>4 jurisdiction you mentioned.</p> <p>5 A Abbeville.</p> <p>6 No, sir, I don't know the square miles of that</p> <p>7 either.</p> <p>8 Q And if I asked these questions differently</p> <p>9 instead of by square miles, I asked you by population, would</p> <p>10 you know what the population is for the three areas,</p> <p>11 Abbeville, Oxford and the university?</p> <p>12 A No, sir, not --</p> <p>13 I know the City of Oxford approximately has</p> <p>14 between 25 and 27,000 people.</p> <p>15 The university, their numbers vary depending on</p> <p>16 how many students are in town, how many are staying on</p> <p>17 campus versus staying off of campus, and I do not know about</p> <p>18 Abbeville, no, sir.</p> <p>19 Q And do you know the population of Lafayette</p> <p>20 County?</p> <p>21 A It's approximately 30,000.</p> <p>22 Q Okay. So of the 30,000 in Lafayette County,</p> <p>23 somewhere between 25 and 27 of them are in the City of</p> <p>24 Oxford?</p> <p>25 A No. The entire county would be close to 50,000.</p>

Page 14

1 J. EAST

2 Q Okay. You were doing the math for me. You were

3 taking out the City of Oxford and telling me who was in the

4 county other than the City of Oxford?

5 A Yes, sir.

6 Q That's what I wanted to understand, so I

7 appreciate that. Thank you. It cut through it.

8 When you're taking out doing that math in your

9 head, are you also including some estimate for Abbeville and

10 for University of Mississippi?

11 Is that where you get to the 30?

12 A Yes, sir. They would be included in the county.

13 The 30,000 would include Abbeville.

14 Q Okay. So if I took Abbeville out, it would be

15 whatever Abbeville is, and if I took the University of

16 Mississippi out, it would be whatever that is?

17 A Yes. And these are approximate numbers. I don't

18 have --

19 Q I'm sure the numbers are all, again, public

20 record.

21 A Yes, sir.

22 Q How many officers does the -- do you have now

23 under your management -- or under your command perhaps is a

24 better word?

25 A Including myself, there's 44 employees as far as

Page 16

1 J. EAST

2 A Yes, sir.

3 Q Although I have some --

4 I've done --

5 I'm a lawyer. I've done some cases involving

6 police forces before. You are going to completely beat me

7 on the terminology in everything every step of the way

8 today, so...

9 A The people I'm talking about are sworn police

10 officers.

11 Q Okay. So the 80 sworn police officers for

12 Oxford, right?

13 A Yes, sir, that's correct.

14 Q And the 44 to 48 when you're fully staffed, those

15 are sworn police officers too?

16 A That's right.

17 Q Okay. That's what I'm trying to make sure we're

18 comparing, I'll say apples and apples.

19 A Yes, sir.

20 Q Okay. Let's talk for a little bit about the

21 Oxford Town Square that you know is a focus of this

22 litigation, and the county courthouse. It might be easiest

23 if we just take a look at a picture.

24 And I think if you turn to Tab, for example, 39

25 in hopefully what's in front of you.

Page 15

1 J. EAST

2 deputy sheriffs.

3 We have four openings, so we'll have a total of

4 48 when we finish the hiring process.

5 Q And when you gave me the figure of 60 for the

6 City of Oxford, were you also giving me deputy sheriffs, or

7 were you giving me some other number?

8 A No, sir.

9 I gave you the number of 80, not 60, and that was

10 just including what we call gun-toters maybe. They were

11 police officers, sworn officers. I didn't include

12 communications or anything like that.

13 Q Okay. What I'm trying to get is comparable

14 positions for the two -- for the two law enforcement

15 services.

16 So the 80 that you gave me for Oxford, is that

17 comparable to the 44, 48 that you gave me for the county?

18 A I don't know.

19 MR. O'DONNELL: Object to form. Go ahead.

20 BY MR. YOUNGWOOD:

21 Q You used the word, I think, "gun-toters"?

22 A Police officers.

23 Q Police --

24 I'm not --

25 I'm just trying to use your words.

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1 J. EAST

2 A Yes, sir.

3 MR. YOUNGWOOD: And so for the court reporter,

4 we're going to use the convention that this Tab 39 will

5 now be Exhibit 39. We'll put it into the chat.

6 (Exhibit 39 was marked for identification.)

7 BY MR. YOUNGWOOD:

8 Q You should find there, sir -- hopefully your

9 version is the same as mine. It's a set of pictures. I

10 think it goes to 23 different pictures. On the bottom they

11 seem to be numbered.

12 A Yes, sir.

13 Q Okay. And this is the Oxford Town Square;

14 correct?

15 A No. This is --

16 What I'm looking at mainly is the courthouse

17 grounds.

18 Q Okay. Let's call it, okay, courthouse grounds.

19 What would you say the relationship is between

20 the courthouse grounds and the town square?

21 A The courthouse sits in the middle of the downtown

22 square area.

23 Q Okay. And just to take a look at a few of them,

24 the one that's labeled B1, the first one, that's looking, as

25 I understand it, more or less north toward the statue and

<p>Page 18</p> <p>1 J. EAST</p> <p>2 the courthouse?</p> <p>3 A No, sir. That would be the south side.</p> <p>4 Q Okay. Is it the south side --</p> <p>5 Again, maybe this is an unhelpful way to do it.</p> <p>6 If I'm standing where the photographer is, am I</p> <p>7 looking north or looking south?</p> <p>8 A You're looking north at the south side of the</p> <p>9 courthouse, yes, sir.</p> <p>10 Q That's what I thought. So we're looking north.</p> <p>11 A Yes.</p> <p>12 Q And the statue itself, the soldier on the top,</p> <p>13 he's facing south; is that right?</p> <p>14 A That's correct.</p> <p>15 Q Okay. And this is a reasonably fair rendition of</p> <p>16 what the courthouse looks like from this angle?</p> <p>17 A Yes, sir.</p> <p>18 Q Let's turn to the third page. You can see the</p> <p>19 statue outside the gate?</p> <p>20 A Yes, sir.</p> <p>21 Q Although it's not dead south, this is an angle</p> <p>22 more or less looking south, right, from behind the statue?</p> <p>23 A Yes, sir.</p> <p>24 Q Okay. This open gate here that's sort of near</p> <p>25 the statue, that gate is always open; is that correct?</p>	<p>Page 19</p> <p>1 J. EAST</p> <p>2 A Yes, sir. Yeah, it's an opening that is, yes, is</p> <p>3 always open.</p> <p>4 Q Okay. And it's not closed at night, for example?</p> <p>5 A No, sir.</p> <p>6 Q And the height of the gate, that's been a pretty</p> <p>7 consistent height in recent years, I take it?</p> <p>8 A Yes, sir.</p> <p>9 Q Okay. The benches that we see, do you know how</p> <p>10 long those benches have been there?</p> <p>11 A No, sir.</p> <p>12 Q More than a few years or less than a few years?</p> <p>13 A There's always been benches around the</p> <p>14 courthouse. I don't know how long these have been there.</p> <p>15 Q Okay. And by "always" you mean decades, as long</p> <p>16 as you can remember?</p> <p>17 A Since I was a child, I remember one or two</p> <p>18 benches being up there.</p> <p>19 Q Let's turn to the next two pages, either page 4</p> <p>20 or page 5.</p> <p>21 Do you see another opening here?</p> <p>22 A Yes, sir.</p> <p>23 Q Can you tell which direction this is facing, sir?</p> <p>24 A Yes, sir. This is facing west.</p> <p>25 Q Okay. And these openings -- this opening is two</p>
<p>Page 20</p> <p>1 J. EAST</p> <p>2 pictures, but one opening -- this has been here for decades</p> <p>3 as well; correct?</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. And it's not closed off at any point;</p> <p>6 correct?</p> <p>7 A That's correct.</p> <p>8 Q Okay. If you turn to the next page 6, this is an</p> <p>9 additional bench.</p> <p>10 That bench has been here, fair, for a long time;</p> <p>11 correct?</p> <p>12 A I don't know how long it's been there, sir.</p> <p>13 Q Okay. You can't remember a time where there</p> <p>14 weren't benches within the courthouse grounds; correct?</p> <p>15 A There's always been benches since I was a child,</p> <p>16 yes, sir.</p> <p>17 Q Okay. Let's turn to page 17, if you could.</p> <p>18 Are you able to identify the angle here, the</p> <p>19 direction the photographer is facing?</p> <p>20 A The photographer is facing south, and this will</p> <p>21 be the new side of the courthouse.</p> <p>22 Q And again, this is --</p> <p>23 You see that opening. That opening has been</p> <p>24 there for some time?</p> <p>25 A Yes, sir.</p>	<p>Page 21</p> <p>1 J. EAST</p> <p>2 Q And that opening is never closed off; correct?</p> <p>3 A Correct.</p> <p>4 Q These benches you see here, can you tell me one</p> <p>5 way or the other how long they've been here?</p> <p>6 A I don't have a clue. I don't know how long</p> <p>7 they've been there.</p> <p>8 Q Let's go to page 20.</p> <p>9 Are you able to identify the direction the</p> <p>10 photographer is facing?</p> <p>11 A The photographer would be facing west.</p> <p>12 Q Okay. And a little difficult to count just from</p> <p>13 a picture, but it looks like one, two, three, four, at least</p> <p>14 five benches do you see there?</p> <p>15 A Yes, sir.</p> <p>16 Q And how long, do you know, have those been there?</p> <p>17 Same answer as before?</p> <p>18 A Yes, sir.</p> <p>19 I don't know.</p> <p>20 Q And again, we can see an opening where there's --</p> <p>21 looks like there's a truck, pickup truck.</p> <p>22 Do you see that opening?</p> <p>23 A Yes, sir.</p> <p>24 Q That opening has been there for many years;</p> <p>25 correct?</p>

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1 J. EAST

2 A Yes, sir.

3 Q And never closed off, to your knowledge?

4 A No, sir.

5 Q Okay. Let's go to 22, please.

6 A Yes, sir.

7 Q Can you tell what direction the photographer is

8 facing?

9 A It appears the photographer is facing north.

10 Q Okay. So this is between the courthouse and the

11 statue perhaps?

12 A Yes, sir. That's what I would say.

13 Q So this is probably the opening we've looked at

14 before in the prior picture, right?

15 A Yes.

16 Q On a typical day in --

17 Let's move ourselves to a world without COVID.

18 Let's say a typical weekend day, do you people go

19 in and out of the courthouse grounds, sit on the benches,

20 use the ground for their enjoyment?

21 A During business hours there, it's used by

22 employees, those that are visiting court. I've seen them

23 out there.

24 On weekends, if there's a festival or something,

25 I've seen people there.

Page 24

1 J. EAST

2 courthouse grounds, there's nothing to stop me from doing

3 so; correct?

4 A That's correct.

5 Q There's no sign saying don't come in here in the

6 evening; correct?

7 A I haven't seen any signage.

8 Q And we've already discussed the gates are never

9 blocked off; correct?

10 A Correct.

11 Q In your years as chief of police for the City of

12 Oxford -- actually, strike that. Let me ask more basic

13 questions.

14 So the courthouse grounds, these are -- this is

15 county property; is that right?

16 A Yes, sir.

17 Q And the statue, that's county property; right?

18 A Yes, sir.

19 Q Okay. But it's within the City of Oxford; right?

20 A Yes, sir.

21 Q Okay. If a City of Oxford police officer were to

22 see an event that warranted her or his attention on the

23 courthouse grounds, could they walk onto those grounds to

24 address them, to address that event?

25 A Yes, sir, most police officers are -- would do

Page 23

1 J. EAST

2 Sometimes people just go and sit there, yes, sir.

3 Q Okay. And there's nothing wrong with that;

4 right?

5 A Nothing wrong with sitting on a bench that I know

6 of.

7 Q How about in the evening?

8 People, same thing, go in and out and sit on the

9 benches?

10 A Yeah, I'm sure there is. Not as much as during

11 the daytime but, yes, sir, there's people that would sit

12 there and wait for rides, drink a cup of coffee, things like

13 that I'm sure.

14 Q Okay. I've been to Oxford myself. I understand

15 this is in an area where there are lots of restaurants,

16 bars, things to do; right?

17 A Yes.

18 Q And so on a typical evening, folks might come

19 into the grounds and sit and talk to each other or whatever

20 on the benches?

21 A I think people sit there.

22 I don't know if it's a social club place to meet.

23 I wouldn't describe it as that.

24 Q And if I were in Oxford on an evening and I came

25 from a restaurant or whatever and I wanted to go sit on the

Page 25

1 J. EAST

2 that if they see something happening. I would hope they

3 would do that. And then they would call one of us to come

4 and take care of the situation.

5 Q Okay. But there was nothing inappropriate from a

6 jurisdictional ground from them crossing the line of the

7 fence because they saw something on the courthouse grounds?

8 A They have a right to act, but they're not --

9 that's not their jurisdiction, so they don't make it a

10 common habit to go in there and arrest people or enforce

11 something.

12 Q Maybe a better way to ask, if they saw something,

13 they wouldn't ignore it.

14 They wouldn't ignore it just because it's outside

15 their jurisdiction?

16 A I wouldn't think so. I would think they would

17 contact us.

18 Q Well, when you were chief of police, did you ever

19 give your officers instructions on what to do if they saw

20 something on the courthouse grounds?

21 A Contact the Sheriff's Department.

22 Q Are there other areas within the City of Oxford

23 that share this distinction of being county property in the

24 city?

25 A Yes, sir. We have a chancery building that's



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2 inside the city.

3 We also have a new --

4 We have county schools that are inside the city.

5 We have a new agricenter that's located inside the city, a

6 justice court complex that's inside the city, all of which

7 are on county property and enforced -- rules are enforced by

8 county law enforcement.

9 Q And would you give me similar answers in terms of

10 when you were chief of police of Oxford?

11 If one of your officers saw something on one of

12 these county properties that were within the city, you would

13 expect them to do something about that; right?

14 A Yes, sir. I would expect them to go to that

15 situation and have them contact the sheriff's department to

16 come and handle it.

17 Q Okay. When you were chief of police of the City

18 of Oxford, were you ever made aware of any violent events

19 taking place on the courthouse grounds?

20 A You know, I can't recall. I don't know if they

21 ever broke up fights up there or not. I just -- right

22 offhand, I don't want to say something. I can't recall that

23 from memory.

24 Q If I expanded the question to include the statue,

25 would your answer change?

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2 statue?

3 MR. O'DONNELL: Object to form.

4 THE WITNESS: Do I answer?

5 MR. O'DONNELL: Yes.

6 A I don't really know what you mean. I'm not clear

7 on what you're asking me.

8 I've been made aware as chief that there have

9 been demonstrations there or if there was -- they had

10 something that could -- they were worried about court

11 security or that they may have a trial or something. We

12 were always contacted to say, you know, we may need help or

13 things like that.

14 I don't know if that's answering your question or

15 not.

16 BY MR. YOUNGWOOD:

17 Q No, no, I think it is.

18 And in any of those circumstances, did you become

19 aware that anyone got hurt, physically hurt from any of

20 those incidents?

21 A Not --

22 I mean, I've been in court one time when we had a

23 deputy that was assaulted there and had his shoulder

24 dislocated, so I'm not --

25 It's kind of a broad question. I can't --

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2 A No, sir.

3 MR. O'DONNELL: Object to form.

4 BY MR. YOUNGWOOD:

5 Q Okay. And so you're not remembering any specific

6 event of violence occurring while you were chief of police

7 on the courthouse grounds on the area surrounding the

8 statue?

9 A Not --

10 No, sir, that I can recall.

11 Q Okay. And how about, did you learn of anything

12 in -- how long a time did you take leave of absence to run

13 for your current office, sir?

14 A Roughly 11 months.

15 Q And during those 11 months, did you happen to

16 hear of any violent events in the courthouse grounds or

17 areas immediately surrounding the statue?

18 A Not that I can recall.

19 Q Okay. And let me broaden it.

20 I'm not sure how you're interpreting my use of

21 the word "violence."

22 Were you ever made aware of unsafe -- an unsafe

23 situation of any sort while you were chief of police at the

24 City of Oxford or during your leave of absence on the

25 courthouse grounds or the land immediately surrounding the

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2 Just right offhand, I can't think of --

3 I really don't know what you're asking.

4 Q Can you tell me about the incident with the

5 deputy?

6 What was that situation?

7 A Yes, sir. They had a trial that ended with the

8 young man being convicted. He got up and was just going to

9 leave as the judge sentenced him. One of the deputies was

10 at the back of the courthouse and tried to stop to talk to

11 him, and he assaulted the deputy there and had to be taken

12 into custody by several of us.

13 Q This was a deputy being injured in the courthouse

14 by a criminal defendant?

15 A Yes, sir.

16 Q Any other incidents that you can recall in the

17 time period leading up to when you became sheriff where

18 somebody was physically injured on the courthouse grounds or

19 on the land immediately surrounding the statue?

20 A Not that I can recall right now, no, sir.

21 Q Okay. I take it, though, during your tenure at

22 the Oxford Police Department, there were other incidents of

23 violence elsewhere in the City of Oxford; correct?

24 A Yes, sir.

25 Q And that happens in a city of 27,000 people;

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2 right?

3 A Yes, sir.

4 And the downtown area at one time -- I don't know

5 what it is now -- I think there was, I mean, approximately

6 30 bars in a two-block to three-block radius. So you have a

7 lot of people that go to this -- I would refer to it as

8 entertainment center down there or downtown district. So

9 with alcohol, young adults, you're going to have people that

10 are aggressive and fight and do those type things.

11 Q Okay. But those happen from time to time, and

12 they happen, I assume, throughout the whole time you not

13 just were chief of police, but worked for the Oxford Police

14 Department; right?

15 A Yes. Yes, sir.

16 It was progressing towards -- as I was chief, it

17 was progressively getting more violent, larger crowds. I

18 think COVID took care of a lot of that.

19 Q I understand.

20 And we might get to this in a little bit, but

21 back in 2017 and following an incident in 2018, there were

22 actually some changes made to the downtown district

23 ordinance to address some of the potential for violence in

24 the downtown area.

25 Am I right on that?

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2 BY MR. YOUNGWOOD:

3 Q Okay. And I'll give you a moment. Take whatever

4 time you need, same with anything I give you today.

5 These are minutes of the City of Oxford Board of

6 Aldermen regular meeting Tuesday, October 2 -- sorry --

7 Tuesday, October 3, 2017.

8 A Yes, sir.

9 Q And I see you listed as being in attendance.

10 A Yes, sir.

11 Q Okay. And I assume that was typical for you to

12 attend these meetings; right?

13 A Yes, sir, it was.

14 Q Okay. And if you look down to item 17 on the

15 fourth page of the document.

16 A Yes, sir.

17 Q And both item 17 and 18 have your names next to

18 them at the top?

19 A Yes, sir.

20 Q And the first one relates to amending Article 2

21 of the alcohol ordinance.

22 Do you see that?

23 A Yes, sir.

24 Q Do you remember what this was about, what this

25 change was about?

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2 A Yes, sir. We worked to establish a downtown kind

3 of protocols. We presented the mayor and Board of Aldermen

4 with a lot of safety concerns that we had.

5 I'm assuming it's '17, '18. I don't know the

6 exact year.

7 MR. YOUNGWOOD: You know, I was going to do this

8 later. Why don't we just do it now, and we'll try to

9 keep moving forward chronologically.

10 So, Mr. O'Donnell, this is going to be in the

11 material that we're only able to e-mail this morning.

12 I don't know how the sheriff has that arranged, if it's

13 in a binder or some other way.

14 MR. O'DONNELL: I tried my best, John, to label

15 them by tab, but he has them. So just --

16 MR. YOUNGWOOD: Okay. So we'll keep trying the

17 tab method then.

18 MR. O'DONNELL: I'm not sure that's --

19 MS. CRON: I'll also drop them into the chat.

20 BY MR. YOUNGWOOD:

21 Q Let me direct you, Sheriff, to Tab 44. So we'll

22 call that Exhibit 44.

23 (Exhibit 44 was marked for identification.)

24 A Yes, sir.

25

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2 A No, not particularly.

3 We did this kind of regularly there for several

4 months. I don't know exactly which one this would be.

5 Q Okay. Let's look at 18. Feel free to read the

6 summary that's on the top of page 5, if that's helpful. I'm

7 going ask if you remember this discussion at all.

8 A Oh, wait a minute. I think I was confused.

9 Q What do you recall --

10 What was the reason to revisit here safety

11 recommendations for the downtown area?

12 A Due to the increasing underage drinking, I could

13 say violence, the population that was on the area of me and

14 my staff had come up with some safety recommendations that

15 we thought would benefit the city, along with our downtown

16 area, to make it a safer place if we could get these

17 suggestions or recommendations established.

18 Q And the recommendations that you made, they

19 concern the area and the operation of the restaurants and

20 the bars; is that right?

21 A Along with the pedestrian traffic, parking,

22 lighting, those type of things.

23 Q Okay. Did you make any recommendations regarding

24 the courthouse area?

25 A No, sir. That wasn't in my wheelhouse.

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1 J. EAST

2 Q And you didn't identify for the city meeting, the

3 Board of Alderman meeting, any safety concerns you had with

4 the courthouse area at this time; right?

5 A No, sir, not that I can recall. I don't think

6 I'd be talking about the courthouse.

7 Q Do you recall, sir, an incident in April of 2018

8 when a patron fired a gun in the establishment called Lyric?

9 A Yes, sir, I do.

10 Q What do you remember about that, sir?

11 A I was out that night. I was actually working on

12 mounted patrol, and it came across our radio that shots had

13 been fired in the Lyric, and we made our way to that

14 location.

15 Q And where is the Lyric?

16 A Lyric is located on Van Buren Avenue directly

17 across from a local pub called the Library.

18 Q And in the --

19 No one was killed during that incident; correct?

20 A No, sir.

21 Q But the bullet did strike somebody?

22 Am I correct on that?

23 A No, sir.

24 Q No, okay.

25 A I don't believe so.

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1 J. EAST

2 Q And if we turn to the fourth page, item 20

3 discussed a proposed ordinance creating the downtown

4 district.

5 You're identified there, Joey East?

6 A What page?

7 Q Page 4, sir.

8 A What number?

9 Q 20, bottom.

10 So it says, "Chief East presented a proposed

11 ordinance creating a downtown district. Issues that were

12 discussed included requiring working cameras in any area in

13 any restaurant or bar where the public has access, having a

14 certain number of security personnel based on the occupancy

15 of the businesses, and requiring ID readers, scanners for

16 areas where there's an age restriction for entry."

17 What was the reason you wanted to propose this,

18 or what's the reason you did propose this ordinance?

19 A What I found is that, being that we're a college

20 town, a lot of businesses rely on the patronage of college

21 students. It was my belief that we were policing a lot of

22 the restaurants and bars. I didn't feel that they were

23 checking IDs properly. They did not have enough camera

24 systems in there.

25 Their security in my opinion were not being

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2 I believe that once the person fired the gun, the

3 person that was hurt was more pushed through glass as the

4 crowd was trying to escape running. He was kind of trampled

5 or hurt, whoever it was, and glass that was being shattered

6 cut the person or hurt the person.

7 Q Okay. In the wake of that incident, you returned

8 to the Board of Aldermen meetings and again proposed an

9 ordinance in the downtown district.

10 Do you remember doing that?

11 A Yes, I was trying to get them to declare that as

12 a downtown district so that we could look for other options,

13 other security-type methods there.

14 (Exhibit 50 was marked for identification.)

15 BY MR. YOUNGWOOD:

16 Q Let's take a look at Tab 50, which we will mark

17 as Exhibit 50, please. These are May 15, 2018 Board of

18 Aldermen, City of Oxford Meeting Minutes.

19 When you get there, you'll see on the first page

20 that you were in attendance. Tell me when you're set,

21 please.

22 A Yes, I'm on the page.

23 Q So you were in attendance at this meeting?

24 That's what the first page indicates; right?

25 A Yes, sir.

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2 diligent in walking around to make sure that people were --

3 breaking fights up, not allowing underage drinking. We

4 could go back. We got a complaint that a female was

5 harassed or assaulted or another patron. There was no

6 cameras working in there.

7 So we were trying to get some things established

8 that would help keep the area safer.

9 Q And the ordinance was not passed that night,

10 correct, or I don't know if the meetings are at night. They

11 are at night.

12 It was not passed that evening; correct?

13 A No, sir, just said to discuss.

14 Q Okay. And if you can now turn to Tab 52, please,

15 which we'll mark as Exhibit 52.

16 (Exhibit 52 was marked for identification.)

17 BY MR. YOUNGWOOD:

18 Q These are June 19, 2018 City of Oxford Board of

19 Aldermen Meeting Minutes.

20 Again, when you get to the first page, I think

21 you'll see that you were in attendance.

22 Tell me when you've found that, please.

23 A I'm here.

24 Q Okay. So you were in attendance at this meeting

25 on June 19, 2018; correct?

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1 J. EAST

2 A Yes, sir, by the notes I have.

3 Q If you turn to the third page under number 11,

4 you're noted under number 11 under second reading and public

5 hearing for proposed ordinance creating a downtown district.

6 Do you see that?

7 A Yes, sir.

8 Q Okay. And this was an opportunity for the

9 community to give reaction to the proposed ordinance;

10 correct?

11 A Yes, sir.

12 Q If you'd turn to the next page, 4 of 7, I may not

13 pronounce the gentleman's name correctly, but I'm looking

14 fourth paragraph or third full paragraph, John Currence,

15 C-u-r-r-e-n-c-e.

16 Do you know Mr. Currence?

17 A I do.

18 Q And in this it says that Mr. Currence cited First

19 Amendment concerns.

20 Do you see that?

21 A I do.

22 Q Do you recall what he said about his First

23 Amendment concerns about the ordinance?

24 A I do not.

25 Q Was there part of the ordinance that would have

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2 Q If we could go to 55, please. So this is

3 July 17, 2018, City of Oxford Board of Aldermen regular

4 meeting; correct?

5 A Hold on. I haven't got there yet.

6 Q Yeah, sorry. Thank you.

7 (Exhibit 55 was marked for identification.)

8 A Okay. I'm getting there.

9 You said 55?

10 BY MR. YOUNGWOOD:

11 Q 55.

12 A Yes, sir.

13 Q So you should have in front of you Tuesday --

14 And we'll mark this 55 as Exhibit 55 to your

15 deposition.

16 Tuesday, July 17, 2018, 5 p.m., City of Oxford,

17 Board of Aldermen meeting. And you'll see again that you're

18 in attendance, if you look at the attendees?

19 A Yes, sir.

20 Q This time, if we turn within the document to

21 page 4 --

22 A Yes, sir.

23 Q Again, this -- your name is identified under item

24 14, "Second reading, public hearing and possible vote for

25 proposed ordinance creating a downtown district."

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2 required permits for gatherings at certain of the venues,

3 music venues and other venues?

4 A There was language in there that was meant to be

5 if they were having private -- if they would rent their

6 facility out, we were trying to get to where we would be

7 notified about that so that we could have enough staff on

8 hand to make sure the security needs were met.

9 Q Okay. And part of the information that would

10 have had to have been provided was, for example, the names

11 of the artists that might perform?

12 Do you recall that?

13 A In the beginning, yes, sir, that was on there.

14 Q Okay. That was one of the original proposals for

15 the ordinance?

16 A I believe so, yes, sir.

17 Q Okay. That provision was ultimately dropped, the

18 need to share the name of the artist; right?

19 A Yes, sir.

20 Q Okay. Do you know why it was dropped?

21 A No, sir, I don't.

22 I believe that some of the business owners

23 brought up some good points during these conversations, and

24 it just made us go back and revisit and put in a better

25 policy or ordinance there.

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2 Do you see that?

3 A Yes, sir.

4 Q And it says, "The mayor began the public hearing

5 by showing the same PowerPoint presentation that was shown

6 at the public hearing at the Oxford Conference Center. She

7 again stressed this ordinance was not in response to one

8 particular event, but a culmination of various events dating

9 back to 2003."

10 Do you know what was being referred to by "a

11 culmination of various events dating back to 2003"?

12 A No, sir, not right offhand. We had --

13 I don't know exactly what she meant right there,

14 but we've had several tragedies, and she could be talking

15 about one of them from students being -- young people being

16 killed in drunk driving incidents and other things.

17 So I can't recall right offhand.

18 Q Okay. And those are all events that, those

19 tragedies, that in some way this ordinance was designed to,

20 if not prevent, at least lessen the likelihood in the

21 future?

22 A Yes, sir. Correct.

23 Q Okay. But none of them were events that took

24 place or tragedies that took place on the courthouse

25 grounds; correct?

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1 J. EAST

2 A Not that I recall, no, sir.

3 Q Okay. If you could turn to Tab 57, which we'll

4 mark as Exhibit 57.

5 (Exhibit 57 was marked for identification.)

6 BY MR. YOUNGWOOD:

7 Q I guess this is a petition, if you look, signed

8 by a number of citizens. Signatures are at the back of the

9 document.

10 Do you recall this petition coming to your

11 attention at some point during the discussion of the

12 downtown district ordinance?

13 A Yes, sir, I do vaguely.

14 Q So you think you've seen this before?

15 I guess it looks like the petition is signed by

16 Bradley Bishop?

17 A It's addressed to the Board of Aldermen, but I

18 think I will say I read this.

19 I can't --

20 Q Let me direct you to the second page of it. The

21 pages unfortunately aren't numbered, but it's just the

22 second page.

23 You can see in the middle that Mr. Bishop writes,

24 "We should reject the false choice between public safety and

25 our ideals."

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2 Q And again looking at the attendance list, you're

3 in attendance; correct?

4 A Yes, sir.

5 Q Okay. Going to page 4, item 17, this concerns

6 the same downtown business district ordinance that we've

7 been discussing; correct?

8 A Yes, sir.

9 Q Okay. And at this meeting the ordinance in its

10 revised form is approved; correct?

11 A Yes, sir.

12 Q Okay. And one of the changes that was made from

13 earlier in the process to the approval was, for example, the

14 elimination of any requirement that you needed to disclose

15 the name of the artist performing at a venue; correct?

16 A Yes, sir.

17 Q If you could turn to Tab 59, which we'll mark as

18 Exhibit 59.

19 (Exhibit 59 was marked for identification.)

20 BY MR. YOUNGWOOD:

21 Q And this may be --

22 If you can't answer this question, I'll

23 understand.

24 But does this appear to you, sir, to be the final

25 ordinance that was approved on that evening?

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1 J. EAST

2 Do you see that?

3 A Yes, sir.

4 Q Would you a degree with me, sir, both public

5 safety and ideals, they can coexist; right?

6 A I don't know what you mean by "ideals."

7 Q Okay. Well, First Amendment and public safety,

8 they can coexist?

9 A Yes, sir. Yes, sir, absolutely.

10 Q And Mr. Bishop calls the First Amendment a

11 fundamental right.

12 You'd agree with me that the First Amendment is a

13 fundamental right?

14 A Yes, sir.

15 Q And all aspects of the First Amendment; correct?

16 A Yes, sir.

17 Q Let's go to Tab 58. I'm going to call that

18 Exhibit 58, please.

19 (Exhibit 58 was marked for identification.)

20 BY MR. YOUNGWOOD:

21 Q This is September 4, 2018, City of Oxford Board

22 of Aldermen regular meeting. If you --

23 Do you recognize these to be the minutes of that

24 meeting?

25 A Yes, sir.

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1 J. EAST

2 A I cannot --

3 There was literally --

4 I don't know if this is the last version. I

5 don't know if this was the final one or not.

6 Q Let me direct you to --

7 Again, they're not numbered, unfortunately, so

8 hold on.

9 -- the seventh page of the document that we've

10 marked as Exhibit 59. There's a section on the bottom that

11 says "Section 14-103. That's how you'll know where I am.

12 A Yes, sir.

13 Q "Restrictions for establishments operating under

14 Mississippi Code Annotated 67-1-5(m)(ii)."

15 Do you see that?

16 A Yes.

17 Q Under 2 it says, "Additionally, all businesses

18 covered under this section shall provide notice of events

19 scheduled. If such event is for 150 people or more, at such

20 event venues as follows."

21 "A. At least five days before such event, the

22 proper owner of such event vent" --

23 Let me start again. I garbled that.

24 "At least five days before such event, the

25 property owner for such event venues must give notice of

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1 J. EAST

2 each event."

3 Do you see that?

4 A Yes.

5 Q Do you recall that provision being in the final

6 ordinance?

7 A No, sir. I'm not disagreeing that that's right.

8 I just don't --

9 Q Well, do you remember --

10 Do you remember the ordinance having a notice

11 requirement for events of over 150?

12 A Yes, sir.

13 Q Okay. And do you remember it being five days?

14 A You know, I just can't recall.

15 I'm not saying that's not right. I just don't

16 recall the exact numbers.

17 Q Okay. And if you turn to the next page, you'll

18 see that it gives the chief of police or his/her designee

19 the power to waive the five days under certain requirements?

20 A Yes, sir.

21 Q Okay. What was the purpose, as you understood

22 it, of the notice requirement?

23 A So that we could have the proper security if it

24 was a large crowd. We would know there's a difference

25 between a wedding versus a rock concert, maintain more

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1 J. EAST

2 types of events.

3 Do you see that?

4 A Yes, sir.

5 Q Why was that information sought, the information

6 sought under 3B?

7 A Simply for planning.

8 Q Okay. Did you have discretion to deny the

9 establishment's ability to hold these events for greater

10 than 150 people?

11 A The way this reads, as the chief, I would have

12 that authority.

13 Q Okay. Where are you looking?

14 A I think it says, "The chief of police and his

15 designee may waive" --

16 Oh.

17 Q That's the notice requirement.

18 A Okay. I don't know if I do. I can't see that in

19 here.

20 Q Okay. And the purpose of the five days' notice

21 you may have said already. That's so that you can make sure

22 you have adequate resources to safeguard the event?

23 A Yes.

24 Q Okay. But it also gives you the power, in the

25 section you just pointed me to, to reduce the five-day time;

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1 J. EAST

2 personnel to do street safety, block roads, things like

3 that.

4 Q Okay. And under --

5 So an event under 150 people did not require such

6 notice; is that right?

7 A Yes, sir, I think that's right.

8 I'd just have to read the wording itself. If

9 this is the original copy, then yes.

10 Q Under number 3, same page, it gives the

11 content -- required content of the notice.

12 Do you see that?

13 A Which number?

14 Q Number --

15 So we're on the --

16 A You're on B?

17 Q I'm on -- I'm on 3 -- 3 not B, but 3.

18 A Okay.

19 Q Do you see, "The event notice shall include at a

20 minimum"?

21 Do you see that?

22 Okay. It asks for property owner's name and

23 contact information. Then it asks for the specific type or

24 types of events planned, i.e. live music, disk jockey,

25 fundraiser, wedding dance, or some combination of specific

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1 J. EAST

2 right?

3 A Yes.

4 Q And it says, "Because of unusual circumstances

5 out of the control of the applicant, it was impossible to

6 have provided notice within the time limitation," do you see

7 that?

8 A Yes.

9 Q What sort of circumstances would warrant less

10 than five days' notice under B1?

11 A I don't know. I don't know. I don't know how to

12 answer that.

13 Q Okay. What if, for example, the event was to be

14 of a political -- strike that.

15 What if the event was to react to other public

16 events in society and there was an urgency in holding it in

17 less than five days?

18 Would that --

19 A That could be why they put that in.

20 I don't -- I can't speak on it.

21 Q Do you remember ever --

22 Let me ask that again, actually. Strike that.

23 The next one, "Nature or conduct of the event

24 would not be dangerous or harmful to the public health,

25 safety and welfare of the residents of the city and police



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1 J. EAST

2 department."

3 Do you see that?

4 A Yes, sir.

5 Q And so what criteria --

6 How would you make a decision as to whether or

7 not an application made less than five -- strike that -- a

8 notice made less than five days would be acceptable under

9 provision B2?

10 A I don't know that I can give examples of that.

11 Q Okay. And under B3, "The police department and

12 other city services and personnel have adequate time to

13 process the notice and plan for the event."

14 Do you see that?

15 A Yes.

16 Q So what factors would go into determining whether

17 or not B3 was applicable to an application made less than

18 five -- sorry I keep saying that -- to a notice made less

19 than five days prior to the event?

20 A You know, I can only assume that this means it's

21 not going to have extra resources. Sanitation won't be

22 needed. We won't have to block the road. Not extra police

23 force would be needed for security, those type things.

24 Q And so all of these 1, 2 and 3 under B, these

25 were if you were to waive less than five days' notice;

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1 J. EAST

2 A Yes, sir. I think I left in January or February.

3 Q I'm sorry. For me at least your voice was

4 muffled on that answer.

5 A I'm sorry. I can't recall that I left January or

6 the first of February.

7 Q Okay. But you supported the ordinance as it was

8 passed; right?

9 A Yes, sir.

10 Q And you therefore thought that the five days'

11 notice was an adequate amount of time to do whatever the

12 police department needed to do to prepare for an event of

13 more than 150 people?

14 A I don't know that I agree with that because this

15 was changed numerous times. So I don't think that was my

16 choice. I think that was more the Board of Aldermen's

17 choice.

18 Q Well, if we go to Exhibit 58 again, item 17 --

19 A Can I take a break quick?

20 Q Sorry?

21 A Can I take a break to use the restroom real

22 quick?

23 Q We can take a break now, or I probably have two

24 or three more questions on this document, whatever you

25 prefer.

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1 J. EAST

2 right?

3 A Yes.

4 Q Okay. Under this ordinance, if somebody gave you

5 at least five days' notice and provided the information in

6 number 3, the event would be permitted to go forward;

7 correct?

8 A That's the way I look at it.

9 Q Okay. Did you ever have occasion to consider a

10 request to waive the five days' notice when you were chief

11 of police?

12 A Not that I recall, no.

13 Q Did you as chief of police receive notices under

14 this provision of events for more than 150 people?

15 A No, I can't --

16 I don't recall one way or the other on it.

17 The reason that is, I don't know if we got it

18 passed versus my leaving as chief.

19 Q Well, the Exhibit 58 that we just looked at does

20 represent on the page we looked at, which was page 4 of

21 Exhibit 58, item 17, that the ordinance was passed and that

22 it would become effective January 1, 2019.

23 Now, maybe you left shortly after for your leave

24 of absence.

25 Is that possible?

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1 J. EAST

2 A Yeah, I'd like to take a break, and I'll come

3 back.

4 Q Got it.

5 VIDEOGRAPHER: We're going off the record. The

6 time is 10:17 a.m.

7 (Recess was taken.)

8 VIDEOGRAPHER: This is the start of Media

9 Number 2. We're now back on the record. The time is

10 10:34 a.m.

11 BY MR. YOUNGWOOD:

12 Q Sheriff East, if you could go back to Exhibit 58,

13 please, these are the September 4, 2018 Board of Aldermen

14 Meeting Minutes.

15 A Yes, sir.

16 Q Okay. And under 17, this is where the ordinance

17 is presented. Your name is next to the heading for the

18 item.

19 Do you see that?

20 A No, sir, I don't --

21 We're on 59?

22 Q No, 58. I may have misspoke. 58.

23 A Okay.

24 Q Do you see your name there next to Pope Mallette?

25 A Item 17.

<p style="text-align: right;">Page 54</p> <p>1 J. EAST</p> <p>2 Q Item 17, yes.</p> <p>3 A Sir, yes, sir.</p> <p>4 Q Okay. And who is Pope Mallette?</p> <p>5 A He is counsel for City of Oxford.</p> <p>6 Q Okay. And does the fact that your names are</p> <p>7 there, does that mean in part that you and Mr. Mallette</p> <p>8 presented during this portion of the meeting?</p> <p>9 A Yes, sir. I don't remember if he did most of the</p> <p>10 present or if I did.</p> <p>11 Q You didn't at the meeting, for example, speak</p> <p>12 against the five-day notice requirement, did you?</p> <p>13 A No, sir.</p> <p>14 Q You didn't say that you needed more than five</p> <p>15 days, for example?</p> <p>16 A No, sir. Not at this meeting, no, sir.</p> <p>17 Q Was there a meeting where you did speak against</p> <p>18 the five days?</p> <p>19 A Not that I recall.</p> <p>20 Q And if we can --</p> <p>21 If we could go back to Exhibit 55, please. We</p> <p>22 looked at this. This is this July 17, 2018 set of minutes</p> <p>23 for the Board of Aldermen for the City of Oxford?</p> <p>24 A Yes, sir.</p> <p>25 Q Okay. And if you also now keep that in mind or</p>	<p style="text-align: right;">Page 55</p> <p>1 J. EAST</p> <p>2 handy, because I'm going to go back to those minutes, 55,</p> <p>3 Exhibit 55, and go on to Exhibit 56.</p> <p>4 And you'll recognize this, I hope, to be a draft</p> <p>5 of the ordinance we've been discussing?</p> <p>6 A Page 56?</p> <p>7 Q Okay. So keep both of those in mind. I'm going</p> <p>8 to direct you back to 55 now, page 4 of 7, item 14.</p> <p>9 A 55?</p> <p>10 Q Yeah.</p> <p>11 A Which one?</p> <p>12 Q 14.</p> <p>13 Item 14, page 4 of 7.</p> <p>14 A Okay.</p> <p>15 Q You again are listed under item 14, which relates</p> <p>16 to the ordinance. It's just your name there.</p> <p>17 Do you see that?</p> <p>18 A Yes, sir.</p> <p>19 Q And it does look like from the text that the</p> <p>20 mayor also spoke.</p> <p>21 Do you see that?</p> <p>22 Just at the beginning it says, "The mayor began</p> <p>23 the public hearing."</p> <p>24 Do you see that?</p> <p>25 A Yes, sir.</p>
<p style="text-align: right;">Page 56</p> <p>1 J. EAST</p> <p>2 Q But I want to now have you look --</p> <p>3 You'll see in 56, if you turn to the fourth page</p> <p>4 of it -- I'm sorry -- sixth page of 56, you'll find</p> <p>5 something that again says, "Section 14-103, as in the</p> <p>6 final."</p> <p>7 A 56. Which one again?</p> <p>8 Q I think it's the sixth page of the document.</p> <p>9 It says in the middle of the page, "Section</p> <p>10 14-103."</p> <p>11 A Yes, sir.</p> <p>12 Q And you'll see under an Item 2 here, both 2A --</p> <p>13 Well, 2A, it again refers to a five-day notice</p> <p>14 period.</p> <p>15 Do you see that?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. You didn't, at the July 17th meeting that</p> <p>18 are covered by the minutes that are Exhibit 55, you didn't</p> <p>19 speak against that five-day notice period; correct?</p> <p>20 A No, sir, that I can recall.</p> <p>21 Q Okay. You thought five days was an adequate</p> <p>22 amount of time for the notice; correct?</p> <p>23 A I think we had compromised on things. We went</p> <p>24 through several drafts of these policies.</p> <p>25 So I don't know how much it's changed from the</p>	<p style="text-align: right;">Page 57</p> <p>1 J. EAST</p> <p>2 first time presented until the final copy. There was</p> <p>3 numerous copies of it.</p> <p>4 Q Well, do you recall --</p> <p>5 And again, we can look at all the drafts and</p> <p>6 trace the history, but do you recall at any time telling</p> <p>7 anyone that five days was not enough notice?</p> <p>8 A Not that I recall.</p> <p>9 Q Okay. So not just --</p> <p>10 I'm not asking you just about at the July 17</p> <p>11 meeting.</p> <p>12 I'm asking you at any point in the process of</p> <p>13 presenting the ordinance and discussing it at multiple</p> <p>14 meetings and getting it approved, you never told anyone that</p> <p>15 you thought five days wasn't enough time?</p> <p>16 A Not that I remember.</p> <p>17 Q Okay, great. Thank you.</p> <p>18 We can move on to a different topic.</p> <p>19 Sir, I --</p> <p>20 Well, let me not assume anything.</p> <p>21 You testified before --</p> <p>22 Well, you testified in this proceeding over the</p> <p>23 summer. But excluding that, you've testified before; is</p> <p>24 that right?</p> <p>25 I can't hear you. You're on mute.</p>



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1 J. EAST

2 A Yes, sir, I've testified in court.

3 This is my first deposition to give.

4 Q Okay. So you've testified in various police

5 matters in court, I assume?

6 A Yes, sir.

7 Q But never either in court or in a deposition in a

8 civil case like this?

9 A No, sir.

10 Q Sir, if you could turn now to Tab 1.

11 A Yes, sir.

12 Q So this, sir, is a document produced to us by the

13 county, and this will be Exhibit 1. It's got Bates numbers

14 \_2 to \_5 produced by the county.

15 (Exhibit 1 was marked for identification.)

16 BY MR. YOUNGWOOD:

17 Q Do you know what this is?

18 A It appears to be guidelines and procedures

19 regulated in the use of a county facility.

20 Q Have you seen this version of this document

21 before?

22 And you can see the dates of it at the top. It

23 says, "Effective date April 20, 2015. Last reviewed

24 April 20, 2015."

25 A I don't know if I've seen this one or not.

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1 J. EAST

2 March 4, 2019."

3 Do you see that?

4 A Yes, sir.

5 Q And so was this the policy that was in effect

6 when you became sheriff?

7 A I guess so.

8 Q Well, have you seen this --

9 I'm sorry. I spoke over you. I apologize.

10 Please finish your answer.

11 A I'm not sure if this is when I was there or not.

12 I'd have to read it.

13 Q Why don't you take a moment then, please.

14 A This appears to be it, sir.

15 Q Okay. So you believe this was the policy in

16 place when you assumed the sheriff's role January 2020;

17 correct?

18 A Yes, sir.

19 Q Okay. And between January of 2020 and May 24 of

20 2020, did you have any occasion where you had to consult the

21 policy?

22 A Yes, sir.

23 Q Okay. Tell me about that.

24 And again, I just -- I'm not trying to pick an

25 arbitrary date.

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1 J. EAST

2 Q Okay. So this one predates your time as sheriff;

3 right?

4 A Yes, sir. This is --

5 Yes, sir.

6 Q And would it -- would this have been a policy you

7 would have had familiarity when you were chief?

8 A No, sir.

9 Q Okay. When you were chief, were you aware --

10 were you aware that the county had a policy regarding the

11 use of county facilities?

12 A I don't ever remember having a conversation to --

13 I don't know. I don't recall them having a -- me

14 knowing they had something in place.

15 Q Okay. If you go to Exhibit 2 now, Tab 2, which

16 we'll mark as Exhibit 2.

17 (Exhibit 2 was marked for identification.)

18 BY MR. YOUNGWOOD:

19 Q So this again says, "Facility Use Policy" on the

20 top. It has Bates numbers \_6 through \_10 on the bottom of

21 the pages.

22 It says, "FAC01" underneath that.

23 Do you know what that means?

24 A No, sir, I do not.

25 Q Okay. And this one says, "Effective date

Page 61

1 J. EAST

2 May 24th is the day before George Floyd was

3 killed, so that's why I picked that. I'm just asking.

4 So did you have any occasion to consult this

5 policy prior to May 24, 2020?

6 A Yes, sir.

7 Really about that time is probably when I looked

8 at this policy. I looked most likely when we were notified

9 how many people would have to -- considered to get a permit

10 and the items the person could be on the grounds with.

11 Q And what caused you to review this policy?

12 A Right after the George Floyd incident there, we

13 had more people wanting to use the facility, so I was trying

14 to familiarize myself with it.

15 Q Okay. That's what I'm trying to get at.

16 So it was after Mr. Floyd's death that you

17 started to review this policy?

18 A It was right in that time frame, yes, sir.

19 Q Okay. But once it --

20 A I don't know prior to that.

21 Q I'm sorry. I spoke over you. I didn't hear what

22 you said.

23 A I said I'm not sure that we had an event prior to

24 that that called me to look at it.

25 Q So Mr. Floyd dies on the 25th of May, and in the

Page 62

1 J. EAST  
2 days that follow, nationally there are protests and other  
3 events associated with his death; right?  
4 A Yes.  
5 Q And your awareness of those events causes you to  
6 look at this policy.  
7 Do I follow correctly?  
8 A Yes.  
9 Q Was it national events that caused you to look at  
10 this or was it events specific to Mississippi?  
11 A I would say both.  
12 Q Okay. What events in Mississippi do you have in  
13 mind that played a role in you deciding to review this  
14 policy?  
15 A I believe the city had some -- had a couple of  
16 protests march or public speakings.  
17 I was more familiar with their process, so I  
18 needed to get more familiar with the county's process.  
19 Q Okay. Do you remember what the first event was  
20 that you are thinking of?  
21 A No, sir. I don't know exactly which one it would  
22 be.  
23 Q Was it an event specific to Lafayette County or  
24 Oxford, or was it an event somewhere else in Mississippi?  
25 A I don't know that events in other Mississippi --

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1 J. EAST  
2 it.  
3 Q All you know is, it was after Mr. Floyd's death;  
4 correct?  
5 A Yes, sir. It was in that time frame, yes, sir.  
6 Q Okay. When you --  
7 Did you ask somebody for the policy?  
8 How did the existence of the policy come to your  
9 attention after his death?  
10 A I don't recall if it's online or I had to call  
11 the county clerk to get it. I'm not sure how I came in to  
12 look at it.  
13 Q Well, did you even know there was a policy?  
14 I'm trying to figure out how you knew to even ask  
15 to look at it.  
16 A I would have to --  
17 I don't know that. I don't know, again, if it's  
18 online. I can't recall if it's online I looked at it or if  
19 I asked Ms. Lisa to send me a copy of it.  
20 Q I'm sorry. Who are you referring to? I didn't  
21 hear the name.  
22 A Ms. Lisa Carwyle. She is the clerk of the --  
23 Q Okay. And then you reviewed it by yourself, or  
24 you reviewed it with other people?  
25 A Reviewed it by myself. I'm sure I read it by

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1 J. EAST  
2 I can't recall that.  
3 Q Okay. But these would have all been events, of  
4 course, after Mr. Floyd died on the 25th?  
5 A That was really what, yeah, made me look into  
6 this more.  
7 Q "It" being the killing of Mr. Floyd or the events  
8 that related to Mr. Floyd that followed his death?  
9 A Both.  
10 Q Okay. And when you started --  
11 So I'm going to --  
12 So Mr. Floyd dies on May 25.  
13 How long after his death do you think you're  
14 looking at this policy?  
15 Days?  
16 Weeks?  
17 A I can't remember.  
18 Q Okay. So late June, early -- I'm sorry -- late  
19 May, early June?  
20 Does that sound like the right time frame?  
21 A I can't remember. I don't know exactly when it  
22 was.  
23 Q Well, it wasn't as late as July; right? It was  
24 before July?  
25 A I don't know the exact date that I would look at

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1 J. EAST  
2 myself and then --  
3 Q I'm sorry. I didn't hear the end of your answer.  
4 A I read it by myself.  
5 Q Okay. And what were the comments that came to  
6 mind as to things you might want to suggest a change to?  
7 A I can't recall right of offhand my first thoughts  
8 on it.  
9 Q Okay. Did you at some point discuss your  
10 potential changes with someone else?  
11 A I remember e-mailing Ms. Carwyle one time.  
12 I thought the keeping it open until ten o'clock  
13 at night, being allowed a permit, I didn't think that was  
14 appropriate.  
15 Also, you get to reading where people would carry  
16 flags. They were able to carry objects with them, a post or  
17 pole or stick, and I remember making comments about those.  
18 Q Give me a second, sir. I think we may have that.  
19 I think I may know the e-mail you're referring to, so just  
20 let me locate it.  
21 Before we refer to that, if you don't mind  
22 turning to Tab 4, which we'll call Exhibit 4.  
23 (Exhibit 4 was marked for identification.)  
24 BY MR. YOUNGWOOD:  
25 Q This is an exchange between you and Ana Martinez

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1 J. EAST

2 of the Oxford Eagle.

3 A Okay.

4 Q So let's --

5 Tell me when you're ready, and please let me know

6 if you can recognize this is an exchange between you and

7 Ms. Martinez.

8 Yes?

9 A This is where she sent me an e-mail, yes, sir.

10 Q Okay. And did you know her prior to this

11 exchange?

12 A No, sir, I don't think so.

13 Q Okay. On June 3 at 9:57 a.m. she writes to you,

14 "I was told" -- I'm sorry.

15 She says, "Sheriff East, I was told that you were

16 the guy to talk to in regards to the barricaded statue and

17 why no one is allowed on the courthouse grounds after 5 p.m.

18 I was wondering why that was and what the plans were. If

19 you can answer these questions for me, that would be great.

20 I can be reached at this e-mail or phone," and she gives her

21 phone number.

22 You respond, "I'm sorry about not being able to

23 take your call. I can talk now if you're free."

24 Do you see that?

25 It's dead middle of the page at 10:55 you write

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1 J. EAST

2 Q Tab 37, which we'll mark Exhibit 37, that's the

3 statue that you believe her to be referencing; right?

4 A Yes, sir.

5 Q Back to Exhibit 4, Tab 4, do you know what she's

6 referring to when she refers to the statue being barricaded?

7 A Yes, sir. I had the statue barricaded. And at

8 times during their short brief period at the courthouse, I

9 would walk the courthouse grounds off after court had done

10 its business.

11 Q Okay. I don't know that I have a picture of the

12 barricade or the courthouse grounds being blocked off.

13 Could you, perhaps starting with the statue,

14 describe what do you mean by barricading the statue?

15 How do you --

16 How do you barricade it? It's sort of in the

17 middle of the square.

18 A The concrete that's around it, we placed kind of

19 plastic barricades around it and cones and would use caution

20 tape to string across the entrance.

21 Q Okay. And what was the reason that you --

22 When did you barricade the statue?

23 This is dated --

24 Mr. Floyd died on May 25th. The e-mail is dated

25 June 3.

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1 J. EAST

2 her that.

3 A Oh, yes, sir.

4 Q Okay. Did you connect with her on that day?

5 A I can't remember.

6 I talked to her --

7 I've talked to her. I don't remember if I talked

8 to her that day or not.

9 Q Okay. Do you see that she references in her

10 e-mails a barricade of the statue?

11 Do you understand that to be the confederate

12 statue that is to the south of the courthouse in the

13 pictures that we looked at earlier?

14 A Yes, sir.

15 Q There's --

16 There are other statues in the Oxford area;

17 right?

18 A Yes, sir. The university has one.

19 Q The university also has a confederate statue;

20 right?

21 A Yes, sir.

22 Q But you understood this exchange to be about --

23 Let's just, so there's no record confusion, if

24 you'd turn perhaps to tab 37.

25 A Okay.

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1 J. EAST

2 I assume it was sometime between May 25 and

3 June 3?

4 A I don't know the exact date.

5 Q Why did you barricade it?

6 A We had a threat that we felt was viable to the

7 courthouse and the grounds that we felt that people were

8 going to damage the historic property up there.

9 Q So you were worried about physical damage to the

10 statue or to the courthouse or to the grounds of the

11 courthouse?

12 A That's correct, the courthouse property.

13 Q Where did that threat come from?

14 A I was notified -- I don't know if it was by the

15 Oxford Police Department or by the -- what agency.

16 I feel like it was the police department, and

17 they had monitored some talk on social media. This was

18 right after the university's confederate monument had been

19 vandalized, and there was an arrest.

20 We had got information that there were people

21 that were going to come and vandalize the courthouse.

22 Q And was the decision to barricade, is that --

23 that's your decision, or is there some other official who

24 made that decision?

25 A No, sir. That would have been my decision.

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1 J. EAST

2 Q Okay. Did you also station deputies around the

3 monument or at the courthouse?

4 A And during that week or whatever the time frame

5 was, I would have deputies to monitor that some -- for the

6 courthouse to stay out.

7 Q And you said you also did something to block off

8 the courthouse as well?

9 A Caution tape so no one could --

10 It was a reminder that the courthouse was closed

11 and no people coming on the grounds during that time.

12 Q Okay. So like a plastic-type tape that we're all

13 familiar with, something like that?

14 A Yes, sir.

15 Q And where did you put that?

16 Between the spaces in the fence that we looked at

17 earlier in that set of exhibits?

18 A Yes, sir.

19 Q And did you put it at each of the openings?

20 A Yes, sir.

21 Q And do you remember what date you first put that

22 tape out?

23 A No, sir.

24 Q Okay. For how long after you first -- strike

25 that.

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1 J. EAST

2 A I advised her that we could talk.

3 I think we kind of missed each other back and

4 forth, and we did --

5 The best I remember, we did have a conversation.

6 I'm not sure if it was over this or not.

7 Q Okay. Let me go through the questions and see if

8 you can recall any answers you ultimately gave to her.

9 She says, "Why is the statue being barricaded?"

10 Did you give her an answer to that question?

11 A If I talked to her and if she asked me this, I'm

12 sure I did. I just don't remember. I just can't recall

13 whether or not we talked about this incident or not.

14 Q Okay. And she says, "Is it a result of the

15 vandalism of the statue on campus?"

16 Do you see that?

17 A Yes, sir.

18 Q And it seems to me from your prior answer that

19 that was part of the reason for barricading the statue; is

20 that right?

21 A No.

22 Q No? Okay.

23 What was the reason for barricading the statue?

24 A We had threats against the county property up

25 there.

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1 J. EAST

2 The barricades around the monument and the tape

3 at the openings to the courthouse, those were done at the

4 same time?

5 A The best I remember, yes, sir.

6 Q Okay. And after Mr. Floyd's death; correct?

7 A Yes, sir. It would have been after Mr. Floyd's

8 death, yes, sir.

9 Q Okay. Does seeing this e-mail exchange in any

10 way allow you to better place when you first started looking

11 at the Facility Use Policy?

12 Would it have been right around the time of these

13 e-mails with Ms. Martinez?

14 Earlier?

15 Later?

16 A No, sir, I don't recall the date.

17 Q Again, you've referenced an e-mail, and I'm going

18 to show you that in a bit. Maybe that will help too.

19 She asks you then some questions on the top of

20 the e-mail?

21 A Yes.

22 Q Did you --

23 I don't have an e-mail where you respond to them.

24 Do you believe that you responded to them by

25 phone, or did you never respond to them?

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1 J. EAST

2 Just because someone vandalized the university

3 did not make me make my decision.

4 Q Do you have any written record of these threats?

5 A Not with me.

6 Q But if we asked you, you might be able to look

7 and find them?

8 A I would have to go and check.

9 Q Okay.

10 A The police department would have all that.

11 Q I'm not asking you to do homework during the

12 deposition. We'll follow up with it if it makes sense to do

13 so.

14 A That would be good.

15 Q You were asked, "What does the barricade

16 accomplish?"

17 Your answer is, it was to protect the statue?

18 A I don't know that I answered that question.

19 Q Well, what is the answer?

20 A Yes, it would be to protect the courthouse

21 grounds. That was the purpose.

22 Limited manpower. Limited resources. That was a

23 way to help provide security against those threats that were

24 made.

25 Q Then you're asked, "Why can't anyone be on the

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1 J. EAST  
2 courthouse grounds after 5 p.m.?"  
3 Did you answer that question?  
4 A I don't recall whether I did or not.  
5 Q Well, what is the answer?  
6 What answer would you have given at the time?  
7 A My answer would be strictly manpower. The  
8 courthouse is closed at that time. We had a viable threat.  
9 So there was no -- we felt it was best for us, with our  
10 resources, if we just kind of -- we shut it.  
11 Q How long did you keep the tape up at the  
12 entrances to the courthouse, the gated entrances?  
13 A I can't recall the exact number. It was several  
14 days, two, three days.  
15 Q Okay. Why did you then take the tape down?  
16 A Because then we --  
17 We took the tape down because it was causing --  
18 kind of noticeable, so we took that down. It had enough  
19 time pass, and then we would place officers up there.  
20 Q You placed officers up there how many hours of  
21 the day?  
22 A It was mainly in the afternoon when the  
23 businesses were closed they were asked to give extra patrol.  
24 Some would park there. Some would stay inside the building  
25 to just make sure we had a good presence so that maybe it

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1 J. EAST  
2 take your call. I can talk now."  
3 Oh, that was from me.  
4 I don't know what that meant.  
5 Q I don't know what it means either.  
6 If you could turn to the next tab, Exhibit 5,  
7 please.  
8 (Exhibit 5 was marked for identification.)  
9 BY MR. YOUNGWOOD:  
10 Q And take a look at this e-mail from Ms. -- you  
11 pronounce it Carwyle?  
12 I hope I'm pronouncing it right.  
13 A Yes, sir.  
14 Q To you on June 9, 10:40 a.m. It's Bates number  
15 \_241 to \_242, and the second page appears to be a permit  
16 application.  
17 Take a moment to look at it. I'm going to ask  
18 you about your involvement in that.  
19 A Okay.  
20 Q So permit applications would come to your  
21 attention; is that correct?  
22 A Yes, sir.  
23 Q And this --  
24 This is before the Facility Use Policy ends up  
25 being amended.

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1 J. EAST  
2 would cause people who wanted to do damage to the courthouse  
3 and the lawn or statue, whatever, it would discourage them  
4 from that.  
5 Q Okay. Are they --  
6 It's now December 18. So do you still have  
7 officers performing those duties at the courthouse?  
8 A No, sir. That was a very short time that we did  
9 that.  
10 Q So I could have asked it --  
11 I should have asked it that way.  
12 How long did you keep the officers doing that?  
13 A I don't have the exact number.  
14 Q Okay. But days, weeks?  
15 A Several days, yes, sir.  
16 Q Several days, not weeks, okay.  
17 If you'd just go to the second page of this  
18 Exhibit 4, like e-mail chains tend to do, they go off, and  
19 there end up being multiple versions.  
20 There's an e-mail from her that says, "She sent a  
21 few."  
22 Do you know what that means?  
23 A No. I'm assuming that --  
24 Well, I called her back. I guess I tried to talk  
25 to her because it says, "I'm sorry about not being able to

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1 J. EAST  
2 And in fact, if you look in the attachment line,  
3 although we don't seem to have all the attachments produced  
4 to us, you'll see that one attachment is the George Johnson  
5 7/19/20 facility permit, and the second one says Lafayette  
6 County Facility Use Policy 3/4/19, which matches the date on  
7 Exhibit 2 that you looked at.  
8 Do you see that?  
9 A Yes, sir.  
10 Q So Ms. Carwyle sends you this, permit  
11 applications.  
12 What are your considerations in deciding whether  
13 or not to grant it at this time?  
14 A I don't have the authority to grant or deny the  
15 permit.  
16 Q Okay.  
17 A I look at --  
18 Myself or a staff member would reach out to  
19 whoever applied for a permit to find out who would be in  
20 attendance, that type of stuff, if they felt like they  
21 needed extra security, those type things.  
22 Q And so your understanding is, it's Ms. Carwyle  
23 who has the authority to deny it or not?  
24 A That's correct.  
25 Q Okay. And when you're looking at it, what input

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1 J. EAST

2 are you trying to give?

3 A Basically can we provide a safe environment for

4 that.

5 Q Okay. And how long does it take you to provide

6 that assessment when you get a permit request?

7 A Depends on a lot of variables.

8 Am I able to contact that person or my staff when

9 they're available to us, you know. We try to do it within a

10 couple of days of her giving it to us.

11 Q So generally you can do it within a couple days,

12 meaning two days, three days?

13 A Yes, sir.

14 Just all that will depend on our ability to call

15 that person and their availability to accept the call. It

16 could be that day, or it could be three days.

17 Q So is it the case, sir, that every time somebody

18 applies for a permit, you personally or someone under your

19 command will make a contact with the permit applicant?

20 A I'm not going to say it's every time, but we try

21 to do that if we feel we need to.

22 Q So what sort of things in a permit would cause

23 you to believe you needed to reach out and get more

24 information?

25 A I don't understand why they're using it. This

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1 J. EAST

2 A On the security, that we were able to provide a

3 safe environment.

4 Q I'm sorry. Say that again, please, sir. It got

5 a little garbled.

6 A Security purpose, I felt that that we could

7 provide a safe environment. We had no other activities

8 going on that we knew of at the time.

9 Q Was it the nature of the event as well, a vigil,

10 that gave you comfort as well?

11 A No, it didn't give me comfort or discomfort.

12 Just I think they could provide a safe environment.

13 Q But you did think that you could provide a safe

14 environment for this event at 9 p.m. at night?

15 A Yes.

16 Q Or you wouldn't have -- you would have objected

17 to the grant of the permit; right?

18 A I would have stated otherwise that we didn't feel

19 that we could provide enough security, yes, sir.

20 Q Okay. If you turn to the --

21 Actually, turn to Tab 22, please, which we'll

22 mark as Exhibit 22, Bates number \_296 to \_302.

23 (Exhibit 22 was marked for identification.)

24 BY MR. YOUNGWOOD:

25 Q You had mentioned that there was a point where

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1 J. EAST

2 says a vigil -- vigil. So we would reach out to ask what

3 that -- what that meant, how many people would be there,

4 whether they needed extra protection, was it safe, those

5 type things.

6 Q If you turn to page -- I'm sorry -- tab 6, which

7 we'll mark as Exhibit 6.

8 (Exhibit 6 was marked for identification.)

9 BY MR. YOUNGWOOD:

10 Q This appears to be a granted version of the same

11 permit?

12 A Yes, sir.

13 Q Somebody's written ten people on it.

14 Do you know where that number comes from?

15 A No, I don't. I can only assume that, when

16 contacted, George Johnson said that he would have no more

17 than ten people there to attend this.

18 Q Okay. And the start time, if I read correctly,

19 it's says 9 p.m.? Is that how you read it, 9p?

20 A Yes, sir, that's what I would think.

21 Q Okay. So this was going to be a one-hour

22 nighttime vigil for 10 people at 9 p.m. on July 19, 2020?

23 A That's the way I read it, yes, sir.

24 Q And you had no objection to this permit being

25 issued; correct?

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1 J. EAST

2 you looked at the policy and, among other things, you -- you

3 looked at something regarding poles and other things.

4 I'm trying to ask you, is this the exchange --

5 and there are other e-mails related to this -- where you

6 think you did that?

7 A We're on 22?

8 Q 22, yeah.

9 And there's a document attached to it that has

10 some comments that I'm going to ask you appear to be from

11 you, but you'll have to tell me that.

12 Do you have this in front of you?

13 A I'm on 22, yes, sir.

14 Q Okay. So you write to Mr. Mills and Mr. Wilburn,

15 "Here is the use policy and permit for the courthouse. As I

16 read it, they are allowed to carry flags on some type of

17 pole, but not any type of sign that's attached to a stick or

18 pole. Read over if you'd like. I also made some notes so I

19 can try to get changed by the BOS and attorney."

20 BOS is Board of Supervisors; correct?

21 A Yes, sir.

22 Q So the attachment, there are a few comments in

23 the margin where it says "JEL."

24 I assume "JE" is you?

25 A Yes, sir.



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1 J. EAST  
2 Q Okay. And when you testified maybe 15 minutes  
3 ago that you thought there was a time that you first looked  
4 at the policy, is this when you first looked at the policy,  
5 or do you think you looked at it earlier?  
6 And I don't mean to trick you in any way, sir.  
7 I'm going to show you a Board of Supervisors approval of  
8 changes in the policy that actually predate this e-mail  
9 exchange.  
10 A Yes, sir.  
11 Q So was it on June 30 that you're first looking at  
12 the policy, or do you think you looked at it earlier?  
13 A I can't recall. Definitely I looked at it on  
14 this particular day, but I would assume I looked at it  
15 earlier also.  
16 Q Okay. We'll come back to 22. Let's move back,  
17 because I'm trying to do this chronologically, to 7.  
18 So Tab 7, which we'll mark as Exhibit 7.  
19 (Exhibit 7 was marked for identification.)  
20 BY MR. YOUNGWOOD:  
21 Q Once you have that in front of me, if you could  
22 confirm for me, sir, that you recognize this as an order  
23 from the Board of Supervisors amending the Facility Use  
24 Policy regarding the use of the courthouse grounds.  
25 Is that what you recognize it to be?

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1 J. EAST  
2 Q What was that conversation?  
3 MR. YOUNGWOOD: Mr. O'Donnell, I don't want to  
4 solicit something that you're going to instruct him not  
5 to answer. I'm not trying to --  
6 MR. O'DONNELL: I appreciate that, John. That  
7 would be attorney-client communication.  
8 If you ask specifically what was said, yes, I  
9 would instruct the witness not to answer that question.  
10 BY MR. YOUNGWOOD:  
11 Q Okay. Let me try the subject matter, which I may  
12 have already --  
13 Without telling me the exact back-and-forth,  
14 Sheriff, you discussed the change to require a permit  
15 application for more than a five-member group with the  
16 county attorney?  
17 A Correct.  
18 Q And there's another change in here that requires  
19 that applications be submitted at least 30 days in advance.  
20 Is that another subject you discussed with the  
21 county attorney?  
22 A I can't recall. I don't remember.  
23 Q Okay. Did you discuss either the five-person  
24 requirement or the 30-day advanced request requirement with  
25 anyone else prior to this meeting?

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1 J. EAST  
2 A Yes. This is where they amended the Facility Use  
3 Policy.  
4 Q Okay. Do you believe you had reviewed the  
5 Facility Use Policy prior to this meeting on the 5th -- 15th  
6 of June, 2020?  
7 A I don't know the exact date.  
8 Q Okay. Did you attend this meeting?  
9 A I don't know.  
10 I'm confident I did, but I'm not positive.  
11 Q Okay. Had you discussed the Facility Use Policy  
12 with any of the supervisors prior to the meeting?  
13 A I don't recall.  
14 Q One of the changes put through by this amendment  
15 is that if five or more people -- it says, "Five or more  
16 people gathering require a permit for use."  
17 Do you see that?  
18 A Yes.  
19 Q And that had not been the requirement previously?  
20 A Correct.  
21 Q Did you have any input into that addition to the  
22 policy?  
23 A I don't --  
24 I don't know that my input. I spoke to the  
25 county attorney about this.

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1 J. EAST  
2 A I don't recall.  
3 Q Okay. Without telling me what the county  
4 attorney said to you, did you support the insertion into the  
5 policy of the requirement that any gathering of more than  
6 five people requires a permit?  
7 A I don't know that I supported it or not.  
8 I would have liked to have clarity is more that I  
9 talked to the county attorney about.  
10 Q I don't want -- I don't want you to tell me what  
11 you talked to the county attorney about.  
12 I'm asking what your view was, not what he said  
13 to you or you said to him.  
14 A Well, then I don't know how to answer that.  
15 Q I'm asking, sir, actually like what's in your  
16 head, not what advice you sought or --  
17 Let me ask, as of --  
18 Let me try to do it this way: As of June 15,  
19 2020, when this was adopted, did you believe it was  
20 important for the rule to be adopted to require the permit  
21 for five or more people?  
22 A I felt like we needed clarity in there because I  
23 think the original said the one person standing had have a  
24 permit.  
25 Q And I don't know about today. Again, I know it's

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1 J. EAST  
 2 winter, and there's COVID.  
 3 But any typical point in time at 11:23 in the  
 4 afternoon, if you walked onto the county courthouse grounds,  
 5 wouldn't you see -- it would not be surprising to see five  
 6 people together on those grounds; correct?  
 7 A I don't know.  
 8 Q It wouldn't be unheard of that there would be  
 9 five people together on the courthouse grounds?  
 10 A I mean, when there's court, there's business  
 11 there. So, you know, we had an election there. I'm not  
 12 surprised if five people would be there.  
 13 Q Okay. So in your view, what was the purpose of  
 14 the insertion of the five people gathering requirement?  
 15 A Again, that goes back to I think the original  
 16 permitting process. If someone was to be there to protest,  
 17 to gather, to have a demonstration, one person had to have a  
 18 permit.  
 19 Q Okay. Well, do you think it's necessary, sir, to  
 20 have a permitting process if six people want to gather on  
 21 the courthouse grounds for purposes of a protest?  
 22 A I think it's important that the county has a  
 23 permitting process. What that looks like is really up to  
 24 that government.  
 25 I think they need a process, otherwise we have no

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1 J. EAST  
 2 A Apparently the Board of Supervisors thought that.  
 3 Q I'm asking your view.  
 4 A If it's an organized meeting to do something,  
 5 according to the rules, I think they have to have a permit.  
 6 Q I'm asking, sir, not how you read the rules now.  
 7 I'm asking if you agree with the rules.  
 8 Do you think that's a sensible policy to require  
 9 a permit if five or more people want to gather on the  
 10 courthouse grounds?  
 11 A My personal opinion I think I don't have on this.  
 12 I just follow the rules in place.  
 13 Q Do you think five or more people gathering on the  
 14 courthouse grounds poses a safety risk to the County of  
 15 Lafayette?  
 16 A I think that it could, yes.  
 17 Q So how would you assess whether a request for  
 18 five people to gather on the courthouse grounds poses a  
 19 safety risk?  
 20 How would you assess an individual application?  
 21 A Again, we would call them, find out how many  
 22 people would be there, those type things, and go forward.  
 23 We usually --  
 24 Is it a circus? Are they going to be juggling  
 25 cannon balls that will fall off and hit somebody walking by.

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1 J. EAST  
 2 way to know what's going on there.  
 3 Q Okay. What if six people want to gather for  
 4 lunch? Do they need a permit?  
 5 A I don't know. That's really up to the policy  
 6 here.  
 7 Q Well, you are consulted when the applications  
 8 come in.  
 9 In your view, would six people gathering for  
 10 lunch require approval under the policy?  
 11 A Apparently, if they were going to do an organized  
 12 lunch meeting, they would need a policy.  
 13 Q A permit you mean?  
 14 A I would think so, yes.  
 15 Q Does that make sense to you, sir?  
 16 A I try to not make sense out of rules and  
 17 regulations the government put in place years ago.  
 18 Q Okay.  
 19 A I follow them.  
 20 Q Well, this isn't years ago. This was the summer  
 21 when you were sheriff.  
 22 A Yes, sir.  
 23 Q So do you think it makes sense to require a  
 24 permit if five or more people want to gather on the  
 25 courthouse grounds?

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1 J. EAST  
 2 There are things we'd have to find out.  
 3 Q What criteria would you use to assess the  
 4 information you were given?  
 5 A We would just -- to find out, with the  
 6 information they gave us, is it going to be a safety risk?  
 7 Would it be a hazard to a pedestrian? If they're juggling  
 8 cannon balls, are they going to draw a crowd that we'd have  
 9 to have people spread out in the street?  
 10 It's just a variety of things. I don't know that  
 11 I can --  
 12 Q Would a prayer vigil pose less of a safety risk  
 13 than a political protest?  
 14 A I don't know.  
 15 Q Do you have any criteria on which you would make  
 16 the determination on whether a prayer vigil would pose less  
 17 of a safety risk than a political protest?  
 18 A No, sir.  
 19 Q And does the --  
 20 Would --  
 21 If somebody said they were going to do a  
 22 political protest, would you ask them what the subject  
 23 matter of that protest was?  
 24 THE WITNESS: Can we take a break just a second?  
 25 MR. YOUNGWOOD: Yes.



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1 J. EAST

2 Should we go off the record and take a 10-minute

3 break?

4 I don't know what the sheriff needs.

5 VIDEOGRAPHER: Mr. Youngwood, are we going off

6 the record?

7 MR. YOUNGWOOD: I don't know what we're doing. I

8 think there's a question pending too. We can't hear

9 you.

10 David, I don't know if you're trying to talk to

11 all of us, but we can't hear you.

12 Is the video still running?

13 VIDEOGRAPHER: Yes, sir.

14 MR. YOUNGWOOD: Let it run. Let the record

15 reflect the witness and counsel have left the room with

16 a question pending.

17 MR. O'DONNELL: Hello?

18 MR. YOUNGWOOD: There's an echo, but we can hear

19 you.

20 MR. O'DONNELL: Yeah, I've been in the conference

21 room. He went to use the restroom.

22 MR. YOUNGWOOD: Let's go off the record until the

23 witness comes back. Should we come back in five

24 minutes, ten minutes?

25 What do you think?

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1 J. EAST

2 Q Okay. So your read is that the application would

3 allow them to tell you what the subject matter of the

4 protest would be?

5 A Most of them that I've read, they usually write

6 something over there what it's about.

7 Q Okay. And in fact, the form itself says,

8 "Explanation of Use," correct?

9 A Yes, sir.

10 Q So if I wanted to protest in favor of keeping the

11 confederate statue, I'd write in "Explanation of Use:

12 Protest to support confederate statue" or something like

13 that?

14 A I'm assuming, yes, sir.

15 Q Okay. And you said, sir, you're content neutral,

16 but how about the --

17 How do you determine if it's a protest?

18 A I don't know that we do.

19 What we're looking at is security measures. So

20 whatever they're protesting, whatever they want the permit

21 for doesn't get involved.

22 We're looking at security purposes only, get with

23 other agencies to see how we can handle that situation.

24 Q And for example, sir, if I wanted to have a

25 gathering to welcome spring, you know, on March 21, do you

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1 J. EAST

2 MR. O'DONNELL: He's coming back now.

3 MR. YOUNGWOOD: Okay.

4 VIDEOGRAPHER: Mr. Youngwood, you've got about

5 another 15 minutes, then I'm going to have to change

6 the tape.

7 MR. YOUNGWOOD: That's fine. We'll take a break

8 then.

9 VIDEOGRAPHER: Okay. We're going off the

10 record --

11 MR. YOUNGWOOD: No, no. I think the witness is

12 back. Is the witness back?

13 Okay. Sheriff, I think when we took the break

14 there was a question I think pending that you hadn't

15 answered.

16 Maybe I'll ask the court reporter to read it back

17 because I won't get it exactly the same.

18 (Last question was read back.)

19 BY MR. YOUNGWOOD:

20 Q That's the question.

21 A That's a question for me? I thought she was --

22 Can you read it --

23 Q She can read it again.

24 A We're content neutral. I'm sure that most of the

25 time it's on the application what that would be.

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1 J. EAST

2 see that as less of a security risk than if I wanted to have

3 a gathering to support the continued placement of the

4 confederate statue in the town square?

5 A Sir, what we would do is call you to find out how

6 many people would be there, how many you foresee, do you see

7 people stopping, coming in. Is there going to be traffic

8 issues?

9 It's all going to be based around security and

10 what your needs are in having an event and what our needs

11 are to meet that.

12 Q Okay. And in doing that you use your discretion

13 to make the judgment regarding security; correct?

14 A Well, my discretion, our discretion, our personal

15 -- I mean professional opinions of what that is, what risk

16 it could be, if any, what type of security needs you might

17 need to be there.

18 Q And where in the policy can I find a reference to

19 your need to assess security in deciding whether or not --

20 or in giving input to the county in deciding whether or not

21 to grant my permit?

22 A I don't know. I don't have that in front of me.

23 Q Well, it's Tab 2, Exhibit 2, unless you're aware

24 of a later version of this policy.

25 A Quickly glancing, I would think it would be there

<p style="text-align: right;">Page 94</p> <p>1 J. EAST</p> <p>2 in "Denial of Usage."</p> <p>3 Q All right. Just so we're all looking --</p> <p>4 You're looking at the bottom of page 2?</p> <p>5 A If it would pose health or safety risk.</p> <p>6 Q Okay. But as I understand it, your input is</p> <p>7 focused on whether or not your police force can -- can --</p> <p>8 has enough personnel to be there for the event, which is in</p> <p>9 part dependent on what else your police force is doing that</p> <p>10 day; right?</p> <p>11 A On page 3 also at the bottom of security, quickly</p> <p>12 glancing, it says, "Sheriff shall determine whether and to</p> <p>13 what extent additional sheriff deputies are reasonably</p> <p>14 necessary for the event or traffic control and public</p> <p>15 safety."</p> <p>16 Q Okay. That doesn't say that you can deny it for</p> <p>17 those reasons; right?</p> <p>18 A I don't deny it, sir. I spoke earlier that I</p> <p>19 just give a reference of public safety. I don't deny or</p> <p>20 approve.</p> <p>21 Q Okay. So --</p> <p>22 A I do not deny or approve.</p> <p>23 Q Okay. But you are asked for your input; correct?</p> <p>24 A On public safety, yes, sir.</p> <p>25 Q Okay. And under this section you just pointed</p>	<p style="text-align: right;">Page 95</p> <p>1 J. EAST</p> <p>2 to, "The user shall provide at its own expense any security</p> <p>3 that the user desires in addition to security normally</p> <p>4 provided by the county."</p> <p>5 So that says that if I apply for a permit, and I</p> <p>6 think I need more security, I can pay for it and do it;</p> <p>7 right?</p> <p>8 A Repeat it again. I'm sorry.</p> <p>9 Q The first sentence says that if I --</p> <p>10 Let's pretend me, I'm the permit applicant.</p> <p>11 A Sure.</p> <p>12 Q If I want to have security in addition to</p> <p>13 whatever you provide, I can do that. I can pay for it;</p> <p>14 right?</p> <p>15 A Yes. It says, "Provide your own security."</p> <p>16 Q Yes.</p> <p>17 The next sentence empowers you to determine</p> <p>18 whether and to what extent additional sheriff department</p> <p>19 deputies is reasonably necessary for the event for traffic</p> <p>20 control and public safety; correct?</p> <p>21 A Yes.</p> <p>22 Q And then it says you base your decision on the</p> <p>23 size, location, duration and date of the event; right?</p> <p>24 A That's what it says.</p> <p>25 Q And then you say if additional law enforcement</p>
<p style="text-align: right;">Page 96</p> <p>1 J. EAST</p> <p>2 protection for the event is deemed necessary by the sheriff,</p> <p>3 you have to inform me, the permit applicant; right?</p> <p>4 A That's what it says.</p> <p>5 Q And then it says you can bill me in advance;</p> <p>6 correct?</p> <p>7 A That's what it says.</p> <p>8 Q So nothing in this paragraph, other than my</p> <p>9 refusal to pay for the additional costs, empowers anyone to</p> <p>10 deny my permit; right?</p> <p>11 A Yes.</p> <p>12 Q Yes, I'm correct?</p> <p>13 A It doesn't say anything about denying the permit,</p> <p>14 yes.</p> <p>15 Q Okay. And it also gives timing for payment and</p> <p>16 talks about a deposit at the time of the permit; right?</p> <p>17 A Yes, sir.</p> <p>18 Q Okay. Have you, since you've been sheriff,</p> <p>19 recommended the denial of a permit for safety reasons?</p> <p>20 A I did not recommend denial.</p> <p>21 I was not able to provide proper security and</p> <p>22 public safety on one event.</p> <p>23 Q What was that?</p> <p>24 A Don't know the exact name of it, but it was an</p> <p>25 event, a pro-confederate monument had applied for a permit,</p>	<p style="text-align: right;">Page 97</p> <p>1 J. EAST</p> <p>2 and Ms. Carwyle denied that because we were not able to</p> <p>3 provide ample security at the time.</p> <p>4 Q Let's go back to tab 7 and ask a few questions,</p> <p>5 and I think the videographer is going to need to change the</p> <p>6 tape.</p> <p>7 I want to ask you about the 30-day notice period.</p> <p>8 Did you have view on the inclusion of the 30-day</p> <p>9 notice period in the amendments made on the 15th of June,</p> <p>10 2020?</p> <p>11 A I don't recall.</p> <p>12 Q Did you, as of June 15, 2020, believe that 30-day</p> <p>13 notice was required?</p> <p>14 A That no 30 days were required?</p> <p>15 Q Did you believe that it was sound policy to</p> <p>16 require applications to be made 30 days in advance?</p> <p>17 A I think it is sound policy, but 30 days is a long</p> <p>18 time.</p> <p>19 Q 30 days is generally not necessary; correct?</p> <p>20 A It's a long time.</p> <p>21 Q Okay. And the policy is subsequently amended to</p> <p>22 reduce the 30 days to 14 days.</p> <p>23 Do you recall that?</p> <p>24 A Yes, sir.</p> <p>25 Q We can quickly --</p>

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2 If you'd turn to Tab 29, which we'll mark as

3 Exhibit 29.

4 (Exhibit 29 was marked for identification.)

5 BY MR. YOUNGWOOD:

6 Q Do you recognize this order to include a

7 requirement of application to be made 14 days prior to the

8 date of proposed use and requiring closure of courthouse

9 grounds 30 minutes before dusk approved by the Board of

10 Supervisors on the 20th day of July, 2020?

11 A Yes.

12 Q And we'll mark this as --

13 This is marked as Exhibit 29.

14 Were you at this meeting, sir?

15 A I don't recall, sir.

16 Q Okay. We're going to come back to the dusk

17 portion of it after we change the tape.

18 Do you see now the notice is required or the

19 application is required to be made 14 days prior to the date

20 of proposed use?

21 A Yes, sir. 14 days, yes, sir.

22 Q That's also a long time; right?

23 A I think that's about appropriate.

24 Q Well, you earlier testified that you could --

25 Assuming that the person returned your phone call

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1 J. EAST

2 A Yes, sir.

3 Q -- you'll see on the bottom where it discusses --

4 not the bottom, but before the names, middle of the page --

5 where it discusses the 30-day period.

6 It says, "The Board of Supervisors and/or the

7 sheriff shall determine whether to waive the 30-day period."

8 Do you see that?

9 A Yes, sir.

10 Q But in Tab 29, Exhibit 29, there's no provision

11 for waiver of the period, is there?

12 A I don't see it in there, no, sir.

13 Q Okay. Do you know why the provision to shorten

14 the period was eliminated when the application time

15 requirement was reduced from 30 to 14 days?

16 A No, sir.

17 MR. YOUNGWOOD: Okay. If we have to change the

18 tape, we can -- we can do that and go off the record

19 right now.

20 VIDEOGRAPHER: We're going off the record. The

21 time is 11:46 a.m.

22 (Recess was taken.)

23 VIDEOGRAPHER: This is the start of Media

24 Number 3. We're now back on the record. The time is

25 11:57 a.m.

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1 J. EAST

2 if you had a question, you could make your recommendation at

3 least within two to three days; right?

4 A I could look at security measures, yes, sir.

5 Q Okay. You wouldn't need more than two to three

6 days; right?

7 A To find out about security?

8 I'm not following what you're asking.

9 Q To make your security determination, you wouldn't

10 need more than two to three days to consider a permit;

11 correct?

12 A If I have 14 days' notice, I can see whatever

13 else is out there.

14 If everybody has two or three days, then I'm not

15 able to juggle multiple events at one time. I won't have

16 processing to let me know what's going on.

17 Q Okay. Do you understand this 14-day period

18 advance notice to be waiveable by you?

19 A No, sir.

20 Q You don't think you have any discretion to waive

21 it?

22 A No, sir, because I don't have discretion to

23 approve it.

24 Q Well, if you go back to Tab 7, Exhibit 7, which

25 is the June 15 amendment --

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1 J. EAST

2 BY MR. YOUNGWOOD:

3 Q Okay. Sheriff, I want to take a step back into

4 some of the testimony very quickly.

5 When you were police chief, did you have anything

6 to do with installing cameras in the square?

7 A Explain.

8 What do you mean?

9 Q I'll ask it --

10 Are there security cameras in the square that the

11 City of Oxford has access to?

12 A Yes, sir, there are.

13 Q Do you know when those were put up?

14 A No, sir, I don't.

15 That was more the emergency manager,

16 Mr. Allgood's specialty.

17 Q Were they put up while you were chief?

18 A Some were, yes, sir.

19 I don't recall if they were there before I became

20 chief or after.

21 Q Do you know how many cameras there are?

22 A No, sir.

23 Q Does the county have access to those cameras if

24 it needs it?

25 A Not live. If something was to take place, we can

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1 J. EAST

2 go and request to see if they have a camera angle of it,

3 that type stuff, but we can't view it live.

4 Q Okay. And then while you were chief, am I

5 correct that there was a practice of having mounted officers

6 patrol the square?

7 A Yes, sir.

8 That originally started under Chief Martin.

9 Q Okay. When was that?

10 A A couple years before I became chief. I don't

11 know the exact.

12 Q Okay. And while you were chief, how many mounted

13 officers would there be?

14 What would their schedule be?

15 A I don't --

16 I don't know the exact number, and it would vary

17 depending on events that were going on in town, whether

18 there was an Ole Miss basketball game, football game,

19 double-decker, those type things. It would all vary.

20 MR. YOUNGWOOD: Okay. Lily, did we end up doing

21 anything with the press release that would go with

22 Tab 9?

23 Is there a way -- has that been distributed to

24 Mr. O'Donnell, or no?

25 MS. CRON: I can drop it into the chat right now.

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1 J. EAST

2 A Yes, sir.

3 Q Okay. And unfortunately the version that was

4 produced to us didn't have an attachment, but we have now

5 had printed out to you what we'll mark as Exhibit 9A, which

6 is from --

7 MR. YOUNGWOOD: It's from the Facebook page,

8 Lily?

9 Lily, is this from the Facebook page?

10 MS. CRON: Sorry. Yeah, it's from Lafayette

11 County public Facebook page.

12 (Exhibit 9A was marked for identification.)

13 BY MR. YOUNGWOOD:

14 Q This is the final version of the press release.

15 I can't give you the version that was attached because I

16 don't have it.

17 Do you remember commenting on this press release

18 before it was issued?

19 A No, sir.

20 Q Okay. And I want you to see there's a post on

21 the Facebook page from Ms. Minton.

22 Do you see that?

23 And she writes, "So glad to see supervisors

24 protecting our county during this time."

25 Do you see that?

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1 J. EAST

2 MR. YOUNGWOOD: Yeah, but I don't know if that

3 means the sheriff can see it. I don't mean to make

4 this complicated.

5 MR. O'DONNELL: John, do you want to send that by

6 e-mail?

7 MR. YOUNGWOOD: Yeah. It's two pages. Maybe we

8 can do that and just print it out quickly.

9 MS. CRON: Let me do that right now.

10 MR. YOUNGWOOD: That will take just a minute.

11 Did you just drop it --

12 Lily, can you just flip it to me too? I know you

13 sent it earlier, but I don't have it.

14 (Discussion was held off the record.)

15 (Exhibit 9 was marked for identification.)

16 BY MR. YOUNGWOOD:

17 Q Before we look at what you were just handed, I

18 want to have you look at Tab 9, which we'll mark as

19 Exhibit 9. It's a one-page document Bates number \_1354.

20 It's a June 15th e-mail from Ms. Carwyle to you and others.

21 Do you have that in front of you, Tab 9,

22 Exhibit 9?

23 A Yes, sir.

24 Q Okay. So you received this e-mail, correct, on

25 June 15, 2020?

Page 105

1 J. EAST

2 A No, sir.

3 MR. O'DONNELL: He's not following your question,

4 John.

5 BY MR. YOUNGWOOD:

6 Q Yeah. I'm asking you to look at Tab 9A, which

7 should be the printout Mr. O'Donnell gave to you.

8 A Okay.

9 Q So let me go slower.

10 Do you recognize this as the press release that

11 was issued after the Board of Supervisors voted to amend the

12 Facility Use Policy on the grounds for the 15th of June?

13 A Yes, sir.

14 Q Okay. And you can see that somebody affixed to

15 the Facebook posting of Ms. Minton a comment.

16 Do you have that in front of you?

17 A No, sir.

18 MR. O'DONNELL: It should be -- let me see if I

19 can help.

20 MR. YOUNGWOOD: It's probably on the second page,

21 probably on the page with less writing.

22 MR. O'DONNELL: For some reason, John, it did not

23 print off. Let me take another stab at it.

24 MR. YOUNGWOOD: Okay. Sorry.

25 THE WITNESS: I'm ready.

<p style="text-align: right;">Page 106</p> <p>1 J. EAST</p> <p>2 BY MR. YOUNGWOOD:</p> <p>3 Q You should have the second page of 9A, a Facebook</p> <p>4 posting from Ms. Minton reacting to this change in the</p> <p>5 policy, and you have that in front of you?</p> <p>6 A Yes.</p> <p>7 Q She writes, "So glad to see supervisors</p> <p>8 protecting our county during this time."</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Did you have an understanding what she meant by</p> <p>12 "this time"?</p> <p>13 A No.</p> <p>14 (Exhibit 10 was marked for identification.)</p> <p>15 Q Let's move on to Tab 10, which we'll mark as</p> <p>16 Exhibit 10. It has Bates numbers _249 to _253. This is --</p> <p>17 Tell me when you're there, sir.</p> <p>18 A Okay.</p> <p>19 Q This is a June 17th e-mail from Ms. Carwyle to</p> <p>20 you attaching a permit, correct, permit application?</p> <p>21 A Yes.</p> <p>22 Q And this is from, if you look at the second page,</p> <p>23 somebody named Timothy Warren; correct?</p> <p>24 A Yes.</p> <p>25 Q Okay. And I guess he affixes his driver's</p>	<p style="text-align: right;">Page 107</p> <p>1 J. EAST</p> <p>2 license to it.</p> <p>3 That was one of the requirements?</p> <p>4 A I guess so.</p> <p>5 Q Okay. And this was forwarded to you for your</p> <p>6 input; correct?</p> <p>7 A Yes.</p> <p>8 Q And if you look at the application, he's</p> <p>9 proposing a gathering two days after the permit application,</p> <p>10 right?</p> <p>11 He applies on the 17th, and he wants the event to</p> <p>12 take place on the 19th; correct?</p> <p>13 A Say that again.</p> <p>14 Q The date of the proposed event is the 19th;</p> <p>15 correct?</p> <p>16 A Yes, sir.</p> <p>17 Q And it's sent to you for consideration on the</p> <p>18 17th; correct?</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. And did you give input as to whether or</p> <p>21 not, from a safety perspective, it was okay to grant this</p> <p>22 permit?</p> <p>23 A Yes, sir. We saw no other conflicting things</p> <p>24 going on, and we felt like we could provide appropriate</p> <p>25 security.</p>
<p style="text-align: right;">Page 108</p> <p>1 J. EAST</p> <p>2 Q Okay. And the event was to take place from</p> <p>3 6 p.m. to 8 p.m.; correct?</p> <p>4 A Yes.</p> <p>5 No.</p> <p>6 6 p.m. to 8 p.m., yes.</p> <p>7 Q Okay. And the number of people was 30-plus;</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q Okay. If you turn to page _253, it's the</p> <p>11 grant -- it's the copy of the permit as approved.</p> <p>12 You see the signature on the bottom of it?</p> <p>13 A Yes.</p> <p>14 Q Okay. And it says, "Granted," correct?</p> <p>15 A Yes.</p> <p>16 Q There's an annotation that says, "Limit to less</p> <p>17 than 50."</p> <p>18 Do you see that?</p> <p>19 A Yes. Yes. Yes. Yes.</p> <p>20 Q And then the date 6/7/20 (sic), which I take it</p> <p>21 means it was actually approved the very same day it was</p> <p>22 received; correct?</p> <p>23 A I don't know.</p> <p>24 Q Okay. You don't know if that says 6/17/20, or</p> <p>25 you don't know what the date means there?</p>	<p style="text-align: right;">Page 109</p> <p>1 J. EAST</p> <p>2 A It is 6/17/20.</p> <p>3 I don't know if that was the day it was approved</p> <p>4 or not. I don't know if she wrote that more than two days</p> <p>5 later, if she wrote that down right or not.</p> <p>6 Q It says --</p> <p>7 Do you recognize this as Ms. Carwyle's signature</p> <p>8 and handwriting?</p> <p>9 A I can't recognize the handwriting right off the</p> <p>10 bat.</p> <p>11 Q And it says, "Per Sheriff East" under the date.</p> <p>12 Do you see that?</p> <p>13 A Yes, sir.</p> <p>14 Q Do you understand what the meaning of that was?</p> <p>15 A No, sir.</p> <p>16 Q Do you think that means that you agreed that this</p> <p>17 permit should be issued?</p> <p>18 A No, sir.</p> <p>19 Q Although you had no objection to the permit being</p> <p>20 issued; correct?</p> <p>21 A We could meet the security needs.</p> <p>22 Q Okay. And you could meet those needs even though</p> <p>23 the event was to take place from 6 p.m. to 8 p.m.; correct?</p> <p>24 A Yes, sir.</p> <p>25 Q Okay. Do you know what this was an event for?</p>

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1 J. EAST

2 A I believe it was pro statue.

3 Q Where does it say that on the application form?

4 A It doesn't.

5 Q How do you know it was pro statue?

6 A "Statue."

7 Q It says "statue" under "Explanation of Use,"

8 correct?

9 A Right.

10 Q How do you know it was pro statue?

11 A Since that time I've spoke with Mr. Warren.

12 Q At the time that you saw no safety concerns or

13 security concerns, did you know that it was pro statue?

14 A Mr. Warren was contacted, which he advised us it

15 was.

16 Q Who contacted him?

17 A I don't remember if Chief Mills did or I did

18 myself.

19 Q Notwithstanding it being a 60-person -- sorry,

20 strike that -- an up to 50-person event and pro statue, you

21 saw no security concerns; correct?

22 A We had concerns. We felt like we could control

23 it with personnel. There were no other things going on in

24 the field.

25 Q Let's go to the next tab. This is going to be

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1 J. EAST

2 A Oh, yeah, yeah, yeah. I gotcha.

3 Q Okay. This is an e-mail that Ms. Carwyle sends

4 to you and others on the 18th at 3:31 p.m., and she writes,

5 "Various people have asked by public records request for a

6 copy of the permit for Friday night. I've sent it to them.

7 I want everyone to know that I marked the permit that less

8 than 50 people were allowed since they did not also submit a

9 million dollar liability insurance policy. Tim Warren has

10 since called and has tried to get a policy in case more than

11 50 show up. I know there's a lot of talk on social media

12 about it, and I wanted to give you all a heads up."

13 Do you see that?

14 A Yes, sir.

15 Q And then she writes, "Joey, I think we should

16 probably revisit a couple of issues about the policy

17 tomorrow after the end of our budget sessions."

18 Do you see that?

19 A Yes, sir.

20 Q Did you speak with her the next day at the end of

21 your budget sessions?

22 A I don't --

23 I don't recall.

24 Q Okay. Do you know what issues she wanted to

25 raise regarding the policy?

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1 J. EAST

2 Exhibit 11. So it's Bates numbers \_261 to \_266.

3 (Exhibit 11 was marked for identification.)

4 BY MR. YOUNGWOOD:

5 Q If we could turn to the last page of the exhibit

6 first, you'll see this is an application as well or perhaps

7 the same -- a different version of the same document for

8 Mr. Warren for the 6/19 event.

9 Do you see that?

10 A Yes, sir.

11 Q This one, as opposed to the version we just

12 looked at, has a date written in on the top, 6/17/20.

13 Do you see that?

14 A Yes, sir.

15 Q Do you know who wrote that date in on the top?

16 A No, I don't.

17 Q And again, unlike the prior one, next to the

18 signature of Ms. Carwyle it does have the date 6/17/20, but

19 it does not have that notation "Per Sheriff East."

20 Do you know why one version has that and one

21 doesn't?

22 A No, sir.

23 Q Okay. If you go back a page to page \_265.

24 A My pages aren't numbered.

25 Q Bottom, very small print.

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1 J. EAST

2 A No, sir.

3 Q Did she want to discuss whether there should be

4 changes in the policy?

5 A I don't recall.

6 Q Let's go to the next numbered tab, Tab 12, which

7 will be marked as Exhibit 12.

8 (Exhibit 12 was marked for identification.)

9 BY MR. YOUNGWOOD:

10 Q Actually, I'm sorry, let's --

11 Yes, let's go to Exhibit 12.

12 What I suggest, sir, is if you actually --

13 At least the way it's in my binder, the first

14 page comes second. I'm looking at a gmail message from a

15 Chad McLarty sent on June 18, 2020.

16 Do you see that?

17 A Yes, sir.

18 Q And your e-mail address is listed there, although

19 it appears perhaps to be the Oxford e-mail address.

20 A Yeah, that's not my e-mail address.

21 Q Did it used to be your e-mail address?

22 A Yes, sir, when I was the chief of police.

23 Q Do they forward e-mails still sent to that

24 address?

25 A No, sir.



<p style="text-align: right;">Page 114</p> <p>1 J. EAST</p> <p>2 Q Okay. Well, have you ever seen this e-mail</p> <p>3 before?</p> <p>4 A I can't recall.</p> <p>5 Q Okay. On the bottom the author writes, "Please</p> <p>6 consider taking the 30-day evaluation period your rules</p> <p>7 state happen for this one."</p> <p>8 "So please consider taking your 30-day evaluation</p> <p>9 period."</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q The Warren permit application was approved the</p> <p>13 very day it was submitted; correct?</p> <p>14 A That's what the paperwork shows.</p> <p>15 Q There was no reason to wait longer than within</p> <p>16 the span of a day to give it approval; right?</p> <p>17 A I don't know that, but that's what it shows.</p> <p>18 Q Well, you didn't --</p> <p>19 You didn't tell the county supervisor that you</p> <p>20 needed more time to consider it; correct?</p> <p>21 A No. We were able to have the appropriate</p> <p>22 security, we felt.</p> <p>23 Q Okay. I'm going to ask you to turn to Tab 14.</p> <p>24 These are a collection, it looks like, of social media posts</p> <p>25 concerning Mr. Warren.</p>	<p style="text-align: right;">Page 115</p> <p>1 J. EAST</p> <p>2 Tell me when you get there.</p> <p>3 A Yes, sir.</p> <p>4 (Exhibit 14 was marked for identification.)</p> <p>5 BY MR. YOUNGWOOD:</p> <p>6 Q Okay. If you go to the third page, there's a</p> <p>7 reference to you. It says, "Tim Warren, we can ask Joey</p> <p>8 East," middle --</p> <p>9 A What page?</p> <p>10 Q They don't have page numbers, unfortunately.</p> <p>11 It's the third page of the document that we've --</p> <p>12 that's Tab 14 and we've marked as Exhibit 14.</p> <p>13 A I see that.</p> <p>14 Q Okay. Did you know Mr. Warren?</p> <p>15 A Yes, sir, I do.</p> <p>16 Q In what context do you know him?</p> <p>17 A He's a resident of Lafayette County, and I know</p> <p>18 him previously through just years of growing up together.</p> <p>19 Q Did you go to school together?</p> <p>20 Are you around the same age?</p> <p>21 A I don't know how old he is. I just knew him when</p> <p>22 I was younger. In my teenage years I knew of him and his</p> <p>23 younger brother. I think he's older than me. I'm not</p> <p>24 exactly sure. No, we didn't go to school together. I was</p> <p>25 at Oxford, and he was Lafayette.</p>
<p style="text-align: right;">Page 116</p> <p>1 J. EAST</p> <p>2 Q And today do you still have contact with him?</p> <p>3 A No, sir.</p> <p>4 Q No, okay.</p> <p>5 So you don't have a professional or social or</p> <p>6 other relationship with him?</p> <p>7 A No, sir.</p> <p>8 Q You just --</p> <p>9 You just know him because you both grew up in the</p> <p>10 same geographic area together?</p> <p>11 A Correct.</p> <p>12 If I seen him in the store, I'd speak to him.</p> <p>13 Q So this reference to you is not in any way a</p> <p>14 personal reference or indication that you're in touch with</p> <p>15 him?</p> <p>16 A No, sir.</p> <p>17 Q You said at some point I think subsequent to his</p> <p>18 permit application you did speak with him.</p> <p>19 Did I understand you correctly?</p> <p>20 A Yes, I spoke to him --</p> <p>21 Yes, I did speak with him during this.</p> <p>22 Q At what point did you speak to him during that?</p> <p>23 A I remember --</p> <p>24 I don't know specifics.</p> <p>25 I remember speaking with him when it started. He</p>	<p style="text-align: right;">Page 117</p> <p>1 J. EAST</p> <p>2 contacted me saying that it was growing larger than he</p> <p>3 expected. He expected very few people, and it grew larger.</p> <p>4 And then I went to his residence to talk to him</p> <p>5 about the things that are here with this African-American</p> <p>6 male that was under a mousetrap, and I went to his residence</p> <p>7 to speak with him about that.</p> <p>8 Q Okay. And so --</p> <p>9 Let me just try to do that a little more slowly</p> <p>10 for me, sir. You packed a lot into that answer.</p> <p>11 Let me just start, when do you think you spoke</p> <p>12 with him?</p> <p>13 It sounds like there was a telephone call and</p> <p>14 then later a meeting at his home.</p> <p>15 Do I have that right?</p> <p>16 A Correct.</p> <p>17 Q So when, approximately, was the phone call?</p> <p>18 A Sometime in the process before his applying and</p> <p>19 before the event was to take place.</p> <p>20 I don't know the exact time, place, or day it</p> <p>21 was.</p> <p>22 Q Okay. So if it was before he was applying, that</p> <p>23 would mean it's before June 17; right?</p> <p>24 A No, sir, it would not have been before that. I</p> <p>25 had not had contact with him until he applied for a permit.</p>

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1 J. EAST

2 Q But it was before the event, which was June 19?

3 A Correct.

4 Q Okay. So sometime before June 19, but presumably

5 after the permit, so probably the 17th or 18th or early in

6 the day on the 19th?

7 A It would have been before the 19th.

8 Q Would it have been after the permit was approved?

9 A Yes.

10 Q So it's the 18th --

11 Probably the 18th, right?

12 There's only one day between the 17th and the

13 19th.

14 A We can only assume.

15 Q Okay. And he calls you or you call him?

16 A I don't recall how that went.

17 Q Tell me what you remember of the phone call.

18 A I remember having a conversation about how large

19 this was getting and how other people that he didn't know

20 were getting involved in it.

21 Q "This" being his event planned for the 19th?

22 A Yes.

23 Q Okay. And you were asked --

24 He was calling you to say how big and important

25 it was, or you were calling him to say, I need to know,

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1 J. EAST

2 Q Okay. And what was the purpose of your visit?

3 A To talk to him about his permit, to talk to him

4 about this picture that you have here in Exhibit, I guess

5 it's 14, where the African-American male is under a

6 mousetrap.

7 Q Yep.

8 A I went to talk to him about that and discuss

9 this -- his -- this gathering that he was getting and what I

10 had been hearing. I had been contacted by the FBI about

11 this post, and I went to talk to him about that. At that

12 time, when we got through, he decided he wanted to pull his

13 permit.

14 Q Okay. Anything else about that meeting that you

15 recall?

16 A No, sir.

17 Q Okay. Let's move on. Tab 14 (sic), which we'll

18 mark as Exhibit 15.

19 (Exhibit 15 was marked for identification.)

20 BY MR. YOUNGWOOD:

21 Q Do you remember the application from Mr. Johnson

22 for a permit for 6/20 -- for June 27?

23 A Yes, sir.

24 Q Okay. And what do you remember about that

25 permit?

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1 J. EAST

2 because I'm the sheriff, how big this is getting.

3 I'm trying to understand why this subject is

4 coming up.

5 A I can't remember.

6 I feel like he called me -- I mean, I'm not

7 positive -- because the event was getting more people that

8 he had no idea who were coming. I remember him calling and

9 saying it was getting kind of out of control, like he was

10 going to get insurance and that type stuff. It was growing.

11 Q Then the meeting at his home, was that before or

12 after the event?

13 A The event never happened, so it would have to be

14 before the event.

15 Q Okay. So the thing he gets approved for, for the

16 19th, never takes place?

17 A Correct.

18 Q And why didn't it take place?

19 A Because he decided to pull his permit.

20 Q Okay. Do you know why he decided that?

21 A No, sir, I can't --

22 I don't know why he decided to.

23 Q Okay. And then how long after that phone call do

24 you go to his home?

25 A I don't know if it was that day or when it was.

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1 J. EAST

2 A I believe this one was denied.

3 Q Okay. So he's asking for it for the 27th.

4 Did you have any contact with him or anyone under

5 your command have contact with him before the denial?

6 A Yes, sir. I don't know if --

7 I'm assuming --

8 I don't know who it was, if it was me or Chief

9 Mills.

10 Q Okay. And what was the nature of that

11 conversation?

12 A You know, what event would take place, how many

13 people would be there, that type of...

14 Q Okay. If you look -- let's go to Tab 16. We'll

15 mark it as Exhibit 16, Bates number \_274 to \_276.

16 (Exhibit 16 was marked for identification.)

17 BY MR. YOUNGWOOD:

18 Q Tell me when you're there, sir.

19 A I'm here.

20 Q Look on the bottom. There's an e-mail from you

21 to Ms. Carwyle and Mr. O'Donnell.

22 A Okay.

23 Q "Lisa, I've looked over the permit request from

24 George Johnson for this Saturday, June 27."

25 So that's four days in the future, right, the



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1 J. EAST

2 time you write this.

3 Does reviewing this e-mail refresh your

4 recollection as to why you recommended the permit be denied?

5 A Yes, sir.

6 Q And what were your reasons?

7 A We had been working with them. They had an event

8 that was taking place at the same time, and our resources

9 had been dedicated to them.

10 Q Okay. So you already had an event that night,

11 and your resources would be spread too thin if you granted

12 this.

13 That was the basic reason?

14 A Yes.

15 Q Okay. And if you'd turn to Tab 17, there's a

16 second application for Mr. Johnson, and we'll mark this as

17 Exhibit 17.

18 (Exhibit 17 was marked for identification.)

19 BY MR. YOUNGWOOD:

20 Q This one is granted; correct?

21 A Yes.

22 Q So why was --

23 The "Explanation of Use" is "Mississippi Stands."

24 Do you see that?

25 A Yes, sir.

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1 J. EAST

2 Q So I think I've heard this in a few of your

3 answers.

4 Is it relevant to your determination as to

5 whether or not you can safely cover an event whether or not

6 other events have first come to your attention or earlier

7 come to your attention?

8 A There can be multiple events. You have to take

9 into consideration what the events are, how volatile they

10 can be, whether there would be counter-protesters there.

11 There's just a variety of things we take into

12 account when doing these.

13 Q Okay. But if I apply before someone else

14 applies, does that increase my chances of getting the permit

15 for the same date, same event, same time sort of thing?

16 A Yes, sir. It could, yes, sir. But that's why we

17 work conjointly with the city and university because they

18 may have a permit before you actually have a permit if you

19 apply with the county, and we have dedicated our resources

20 to them.

21 Q Okay. And so actually these are a little out of

22 order, but if you look at page 18 -- sorry, not page 18 --

23 Tab 18.

24 (Exhibit 18 was marked for identification.)

25

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1 J. EAST

2 Q What is "Mississippi Stands"?

3 A I don't know.

4 Q Did you or anyone under your command reach out to

5 Mr. Johnson to understand the nature of this event?

6 A Yes. This was a political protest, if I remember

7 correctly, pro flag, pro monument.

8 Q And flag, I just want to --

9 Is the flag the old flag, state flag of

10 Mississippi, or was it a different flag that we're talking

11 about?

12 A No, it would have been --

13 That's correct. It would have been the state

14 flag of Mississippi.

15 Q The state flag as of summer of 2020?

16 A Yes, sir, before it changed.

17 Q Yeah. My understanding is your flag is or will

18 be changing; right?

19 A It's already changed, yes, sir.

20 Q Okay. So this is the old one.

21 And you didn't see for this any safety concerns

22 that prevented you from allowing this to take place?

23 A No, sir. This was the only event scheduled for

24 that day. We talked to the city officers. They would be on

25 hand to assist us, along with the university, if needed.

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1 J. EAST

2 BY MR. YOUNGWOOD:

3 Q This is the denial of the June 27 permit.

4 In Ms. Carwyle's e-mail she talks about limited

5 manpower.

6 Do you see that?

7 A Yes.

8 Q Okay. And so in denying his June 27 permit,

9 limited manpower was a factor in your decision?

10 A Yes.

11 Q Okay. Let's go on to Tab 19, which will be

12 Exhibit 19.

13 (Exhibit 19 was marked for identification.)

14 BY MR. YOUNGWOOD:

15 Q So I think, sir, this is where you start to look

16 into the question of the flags.

17 And so you write Ms. Carwyle an e-mail at

18 10:03 a.m. on June 25th saying that your office has spoken

19 with Mr. Johnson about his request for a permit on July 4,

20 2020 from 12:30 to 5:30. You talk about how he expects 100

21 to 150 people and the subject matter of it.

22 Ms. Carwyle writes back, "I was thinking the

23 Facility Use Permit prohibited flags (or sticks), I'll

24 check."

25 And you say, "It prohibits sticks, but I'm not

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1 J. EAST

2 sure about flags."

3 Do you see that?

4 A Yes.

5 Q So what is the concern about flags or sticks?

6 What is your concern here?

7 A Concern that someone has a large stick and is

8 able to hit someone with it.

9 Q Okay. So the stick that's holding up -- that I'm

10 waving the flag, you could take the flag off or maybe not

11 the flag off and hit somebody with the stick; right?

12 A Correct.

13 And if I remember reading the policy, signs could

14 not be on -- they had to be held, but flags could be on some

15 type of pole.

16 It wasn't clear, if I remember correctly.

17 Q And so, again, policy doesn't permit me from

18 walking with a sign that says whatever I've chosen for it to

19 say?

20 A Correct.

21 Q If I put it on a stick, it could become a weapon?

22 That's your concern?

23 A Correct.

24 Q So let's go now to Tab 22, Exhibit 22, which

25 we've looked at before, and I actually want to go through

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2 A Yes, sir.

3 MR. YOUNGWOOD: Okay. So, Mr. O'Donnell, I don't

4 want to inadvertently --

5 Are you going to claim privilege over the

6 discussion of that meeting?

7 MR. O'DONNELL: Yes.

8 BY MR. YOUNGWOOD:

9 Q Can you tell me the subject of the meeting?

10 A To talk about the Facility Use Policy.

11 Q Again, if Mr. O'Donnell will permit, can you tell

12 me which aspects, without telling me what the substance was,

13 which aspects of the policy were discussed?

14 MR. YOUNGWOOD: Is that acceptable,

15 Mr. O'Donnell?

16 MR. O'DONNELL: That would be fine since there is

17 a follow-up e-mail from the sheriff on that.

18 A The best of my memory, it's going to be involving

19 time, curfew time, a certain time, not to allow it to be

20 later. Also the pole, flags, that type -- those I think

21 were two.

22 I'm not sure what else was in there.

23 BY MR. YOUNGWOOD:

24 Q Okay. So we'll look just momentarily at Exhibit

25 22.

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2 your comments.

3 Actually, I'm sorry. Let's take these in order.

4 Briefly let's look at Tab 21, which we'll mark as

5 Exhibit 21.

6 (Exhibit 21 was marked for identification.)

7 BY MR. YOUNGWOOD:

8 Q Tell me when you're ready, sir, on Tab 21.

9 A Yes, sir. I'm ready.

10 Q If you look at the second page, Ms. Carwyle on

11 June 25th writes you and Mr. O'Donnell an e-mail, "Can we

12 meet next week to work on some revisions of the Facility Use

13 Policy for the July 6th board meeting? I'm free Tuesday all

14 day or Thursday morning."

15 Do you see that?

16 A Yes, sir.

17 Q You respond on the first page, "I'm open

18 whenever."

19 And then there's further discussion about a time

20 and a place -- maybe not a place, just a time and a day.

21 And it looks like you're agreeing to meet at 10:00 a.m. on

22 June 30.

23 Do you see that?

24 A Yes, sir.

25 Q Did that meeting take place?

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2 I actually just want to bring you back briefly to

3 the Tab 6, which was Exhibit 6. It's the approval of

4 Mr. Johnson's Anthony Hervey vigil.

5 A Yes, sir.

6 Q Did that --

7 Did that vigil take place?

8 A Yes, sir.

9 Q And do you know who Mr. Hervey --

10 Mr. Hervey is dead; is that right?

11 A Sorry, excuse me.

12 Yes, sir.

13 Q Do you know who he was?

14 A Yes, sir.

15 Yes, sir, I do.

16 Q Who is Mr. Hervey?

17 A He was a local resident here in Oxford.

18 Q And he had some association with confederate

19 causes; is that fair to say?

20 A Yes, sir.

21 THE WITNESS: Can I take a break?

22 MR. YOUNGWOOD: Yeah, absolutely. Do you want to

23 take five minutes? Do you want to take longer now?

24 What do you want?

25 THE WITNESS: Why don't we do --

<p style="text-align: right;">Page 130</p> <p>1 J. EAST</p> <p>2 MR. YOUNGWOOD: That's fine, okay.</p> <p>3 VIDEOGRAPHER: We're going off the record. The</p> <p>4 time is 12:43 p.m.</p> <p>5 (Recess was taken.)</p> <p>6 VIDEOGRAPHER: This is the start of Media</p> <p>7 Number 4. We're now back on the record. The time is</p> <p>8 12:48 p.m.</p> <p>9 MR. YOUNGWOOD: Could I ask, actually, that the</p> <p>10 last question and answer be read back to me? I just</p> <p>11 want to make sure I know where we were.</p> <p>12 (Last question and answer were read back.)</p> <p>13 BY MR. YOUNGWOOD:</p> <p>14 Q And what was that association, sir?</p> <p>15 A What I know about Mr. Johnson, he's just pro</p> <p>16 confederate statues, flags, that type.</p> <p>17 Q I actually was --</p> <p>18 A Hervey, I'm sorry.</p> <p>19 Q Yeah.</p> <p>20 A He was, I guess, pro -- I don't really know.</p> <p>21 Mr. Hervey was a unique person, but he was</p> <p>22 supportive of the flag and the statue, the best I recall.</p> <p>23 Q Okay. He died from some accident; am I correct?</p> <p>24 A Yes, sir. He was in a car accident.</p> <p>25 Q Okay. And when was that accident?</p>	<p style="text-align: right;">Page 131</p> <p>1 J. EAST</p> <p>2 When did he pass away?</p> <p>3 A I don't remember. I just --</p> <p>4 I don't remember the date it was.</p> <p>5 Q Was it 2020?</p> <p>6 A No, sir. No, sir.</p> <p>7 Q It was some time ago?</p> <p>8 A Yes, sir. It was '18 or '17. It was several</p> <p>9 years ago. I don't know exactly.</p> <p>10 Q So do you know what the occasion was that gave</p> <p>11 rise to having a vigil for him on June 8 -- I'm sorry,</p> <p>12 that's the wrong date -- on July 19, 2020?</p> <p>13 A I don't know if this was the anniversary of his</p> <p>14 death or this is his anniversary of his birth. I don't</p> <p>15 know.</p> <p>16 Q This vigil did take place at 9 p.m. on July 19?</p> <p>17 A Yes, sir.</p> <p>18 Q Do you know how many people attended?</p> <p>19 A No, sir. It was no more than 10. I can't recall</p> <p>20 the exact number.</p> <p>21 Q Okay. Any safety issues or violence of any sort</p> <p>22 arise out of that vigil?</p> <p>23 A There was no violence. There were safety</p> <p>24 concerns. It's dark. Some of them were wearing dark</p> <p>25 clothing. Pedestrians did -- people go and did try to</p>
<p style="text-align: right;">Page 132</p> <p>1 J. EAST</p> <p>2 converse with them. There was no issues, but it was very</p> <p>3 dark there and people stopping, looking.</p> <p>4 In my opinion, it causes a hazard right there</p> <p>5 around that time. Traffic goes through right there in the</p> <p>6 middle of that.</p> <p>7 Q Okay. So let's return now to Exhibit 22, Tab 22.</p> <p>8 So you originally make some --</p> <p>9 It looks like your original e-mail here is</p> <p>10 June 27 to Mr. Mills and Mr. Wilburn.</p> <p>11 Do you see that?</p> <p>12 A I do.</p> <p>13 Q All right.</p> <p>14 A Yes, sir. Okay, yeah, yeah, yeah.</p> <p>15 Q And who were they?</p> <p>16 A Scott Mills is the chief deputy, and Alan Wilburn</p> <p>17 is the major of the sheriff department.</p> <p>18 Q So they're both under your command?</p> <p>19 A Yes, sir.</p> <p>20 Q Why are you sending them comments on the Facility</p> <p>21 Use Policy?</p> <p>22 A I want them to be familiar with it, pending other</p> <p>23 events, that they know that you can have -- carrying a</p> <p>24 flagpole is not illegal per the permit.</p> <p>25 Q And you write, "I also made some notes so I can</p>	<p style="text-align: right;">Page 133</p> <p>1 J. EAST</p> <p>2 try to get changed by the Board of Supervisors and</p> <p>3 attorney."</p> <p>4 Do you see that?</p> <p>5 A Yes, sir.</p> <p>6 Q And then you forward this chain to Ms. Carwyle on</p> <p>7 June 30 at 12 p.m.; correct?</p> <p>8 A Yes, sir.</p> <p>9 Q And so that seems to be after the meeting that</p> <p>10 you had with her on June 30 at 10:00 a.m.; right?</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. I want to walk through --</p> <p>13 And is this, to your knowledge, sir, the first</p> <p>14 time you gave direct comments to Ms. Carwyle or to anyone on</p> <p>15 potential changes to the Facility Use Policy as it relates</p> <p>16 to the courthouse?</p> <p>17 A No, sir. We had talked to previous --</p> <p>18 Under the old version you could give the permit</p> <p>19 out like we just talked about until ten o'clock at night. I</p> <p>20 made previous comments that I felt like that needed to be</p> <p>21 maybe five o'clock. There was no sense in having people</p> <p>22 there after that.</p> <p>23 And we even talked about gating -- you know, we</p> <p>24 brought up gating the courthouse off to keep people from</p> <p>25 coming on the grounds, those type things.</p>

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2 Q Okay. Those were comments that maybe took place

3 earlier -- earlier in June after Mr. Floyd's death?

4 A I would think before that. I don't know the

5 exact dates.

6 Q Okay. Well, your earlier testimony was you

7 hadn't looked at changes in the policy until Mr. Floyd's

8 death.

9 MR. O'DONNELL: You're talking over each other at

10 this point.

11 BY MR. YOUNGWOOD:

12 Q Sir, your earlier testimony was, you hadn't

13 looked at any change in the policy until after Mr. Floyd's

14 death.

15 A No, I said I didn't remember. I said it was in

16 around that time. I never gave a specific time or day.

17 Q Okay. You don't have any e-mails or written

18 records showing any proposed changes that you wish to

19 suggest earlier than this document we're looking at right

20 now, which is Exhibit 22; correct?

21 A I have nothing in front of me, no, sir.

22 Q Well, can you recall anything that you have that

23 isn't in front of you?

24 A I can recall conversations with him, yes, sir,

25 and with the attorney, yes, sir. I don't know the time. I

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2 Q Okay. Let's go to the next one.

3 You write, "Need to address this line. It should

4 be no later than 5 p.m. unless special request to and

5 approved by BOS."

6 Do you see that?

7 A Yes, sir.

8 Q What did you mean by that?

9 A I meant that I don't think it should be an open

10 policy that the courthouse would be open until ten o'clock.

11 I think that it should be shut down at five. That's when

12 business hours are open. And if they want to use it, that

13 needs to go in front of the Board of Supervisors for

14 approval. It should be something special is what I was

15 meaning.

16 Q Well, even without opposing an additional time

17 restriction, all applications do have to be approved by the

18 county supervisor; correct?

19 A No, it's approved by Ms. Carwyle, from my

20 understanding.

21 Q Okay. I'm sorry. I misspoke.

22 County administrator, correct?

23 A Yes.

24 Q Okay. And the one permit that we saw denied --

25 And I think you testified very early in your

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2 don't know the exact dates that you would like.

3 Q Okay. Let's look at these.

4 Your first comment is to -- on page 2 of 5 under

5 "Use of facilities and grounds equal access."

6 You write, "Safety risk."

7 Can you tell me what you intended to convey by

8 writing "safety risk" in the margin?

9 A Give me a second.

10 Q Of course.

11 A No, sir, I don't --

12 I don't know what that's about. I don't know if

13 it's for that particular paragraph.

14 Q Well, the sentence itself at the end that you've

15 attached the comment to does say, "Poses health or safety

16 risk."

17 Do you see that?

18 A Yes, sir.

19 Q But I guess you're just repeating the word

20 "safety risk."

21 You don't --

22 A No, I don't.

23 Q Let me let you finish. Please go ahead.

24 A Oh, I'm sorry. I don't recall what that's for,

25 sir.

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2 testimony the only time one was denied, which was

3 Mr. Johnson's request for the June 27, Ms. Carwyle did

4 indicate that she would share the proposed denial with the

5 supervisors before denying it; right?

6 A I don't understand I'm following what you're --

7 Q Let's take a look back at Tab 16, Exhibit 16.

8 A Yes, sir.

9 Q So this is --

10 We looked at this earlier.

11 This is part of the discussion that leads to the

12 denial of Mr. Johnson's request for a permit on June 27.

13 And you see in the middle Ms. Carwyle writes in

14 an e-mail to you and Mr. O'Donnell, "Do you see any issue

15 with denying this? If not, I'll send to supervisors with

16 that recommendation and let George know."

17 Do you see that?

18 A Yes, sir.

19 Q So prior to denying, she's going to share that

20 recommendation with the supervisors; right?

21 A That's what she says, yes, sir.

22 Q Okay. And so in fact she deems it to be a

23 recommendation, not a decision; right?

24 A It says, "Recommendation."

25 I don't know what she -- what her intent was.

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1 J. EAST

2 Q Okay. So this would suggest that before denying

3 a permit, she feels the need to get approval from the

4 supervisors; correct?

5 A No, sir, I don't --

6 I don't know that or --

7 As far as I know, she may just be advising them

8 so they would have to know that she denied a permit.

9 I don't know what she meant by that.

10 Q Okay. Well, is it clear to you from reading this

11 that she's going to tell them that before she actually

12 denies the permit?

13 A I don't know. I don't see it that way.

14 I just see that it sends the supervisors the

15 recommendation and lets George know at the same time.

16 I don't know what comes first or second. I don't

17 know how to answer that for you.

18 Q Let's go still on Exhibit 22 then, sir.

19 When you write, "Unless special request to and

20 approved by the BOS," what did you mean by that?

21 A What I'm meaning is that the policy changes to

22 you can't have anything up there after a certain hour,

23 five o'clock.

24 They can always --

25 I'm still used to the county government, but I'm

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1 J. EAST

2 Q So a flag can be on a pole, but not some other

3 message?

4 A That's the way I was interpreting. So you could

5 have a flag, the American flag, but you couldn't have a flag

6 that says, "I love chicken", because that's a sign.

7 Q Could I --

8 Could I today have the old Mississippi flag?

9 A The way it was written here, you could have

10 flags, any flag, yes, sir.

11 Q Any flag, including the confederate flag itself

12 perhaps?

13 A Any flag, yes, sir.

14 Q Okay. And I'm sorry. That wouldn't include a

15 flag that says, "I love chicken" or wouldn't?

16 A That's what I'm saying. I needed clarification

17 there.

18 Q Did you get that clarification?

19 A Yes, sir. You can't have --

20 I think it was changed. If it had a message on

21 it, it was considered a banner, and it had to be carried.

22 Q Okay. Although you'd agree with me, sir, that

23 flags are messages, aren't they?

24 A I think some people would interpret it that way,

25 yes, sir.

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2 under the impression you can always appeal that process. So

3 that's why I put that in there.

4 In the city, where I was more familiar, the Board

5 of Aldermen always had kind of the last say. They were kind

6 of the appeal process that you could go before.

7 That's what I was meaning is, even though it says

8 five o'clock, nothing's there -- they do have a way to get

9 that approved somewhere else. It just won't be open to

10 every citizen to come up there and have something past five.

11 Q Okay. And why did you pick 5 p.m.?

12 A Because business hours stopped at five.

13 Q Okay. Go to the next page 4.

14 This is your comment on flags. You say, "Never

15 mentions flags, so therefore I believe they can carry a

16 flag, state, American, but maybe not a flag with a message

17 on it."

18 Do you see that?

19 A Yes, sir.

20 Q So was it your reading of the policy --

21 I mean, under the policy I could carry a piece of

22 cardboard or a poster board with a message on it, can't I?

23 A Yes, sir.

24 The way I remember it, you couldn't carry it on a

25 pole.

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2 Q So, again to be specific, a confederate flag

3 would be allowed or not allowed?

4 A Under this it would be allowed, yes.

5 Q Okay. And the old Mississippi flag today, that

6 would be allowed?

7 A Under that policy, yes.

8 Q How about --

9 I'm sure you've seen them, sir, the flags that

10 are blue -- with the "Blue Lives Matter" type flags that are

11 American flags, but tinted blue.

12 Would that be allowed?

13 A Yes, sir, I would think so.

14 Q So how does one interpret what type of flag is

15 allowed and what isn't?

16 A That's kind of the reason for the statement.

17 Q So you think, as written, the policy is vague and

18 difficult to interpret?

19 A It was for me, yes, sir.

20 Q Did you have further discussions with Ms. -- with

21 anyone regarding the comments that are in Exhibit 22 prior

22 to the Board of Supervisors meeting that takes place on

23 July 20 where changes are made?

24 A I can't recall the exact timing.

25 I talked to Ms. Carwyle and to my attorney,

<p style="text-align: right;">Page 142</p> <p>1 J. EAST</p> <p>2 Mr. O'Donnell, previously on different occasions about this.</p> <p>3 Q And can you remember any of those specific</p> <p>4 conversations following in Exhibit 22 that you sent on</p> <p>5 June 30?</p> <p>6 A No, sir.</p> <p>7 Q Let's move on to Tab 24, which we'll mark as</p> <p>8 Exhibit 24, please.</p> <p>9 (Exhibit 24 was marked for identification.)</p> <p>10 BY MR. YOUNGWOOD:</p> <p>11 Q So this has Bates number _311 through _313. This</p> <p>12 is an application, you'll see on the third page, from a</p> <p>13 Ms. Jackson made on July 1st for an event on either the 5th</p> <p>14 or the 8th.</p> <p>15 A Yes, sir.</p> <p>16 Q And this is ultimately granted.</p> <p>17 Do you see that?</p> <p>18 A Yes, sir.</p> <p>19 Q And the explanation is, "Love your neighbor in</p> <p>20 prayer."</p> <p>21 Do you see that?</p> <p>22 A Yes, sir.</p> <p>23 Q Do you know what that is?</p> <p>24 Do you know what that's a reference to?</p> <p>25 A It was a group of people holding signs up saying</p>	<p style="text-align: right;">Page 143</p> <p>1 J. EAST</p> <p>2 they love your neighbor, and if you want them to stop, they</p> <p>3 would pray with you and pray for our country and our county</p> <p>4 and have prayer with you.</p> <p>5 Q Okay. And you wrote on the top of the first</p> <p>6 e-mail, "I do not see any security threats or reasons the</p> <p>7 permit should not be allowed on either date. I have spoken</p> <p>8 with Chief McCutchen. The city does not have any permits</p> <p>9 issued that will take extra resources from us."</p> <p>10 Do you see that?</p> <p>11 A Yes, sir.</p> <p>12 Q And so you write that at 2:47 p.m.?</p> <p>13 A Yes, sir.</p> <p>14 Q And you had been sent the application at</p> <p>15 10:43 a.m. that morning; correct?</p> <p>16 A Yes, sir.</p> <p>17 Q So you were able to give your sign-off on a --</p> <p>18 from a safety perspective within -- between 10:43 and</p> <p>19 2:47 that day?</p> <p>20 A Yes, sir.</p> <p>21 Q Let's go to --</p> <p>22 Let's go actually very quickly to Tab 40, which</p> <p>23 we'll mark as Exhibit 40. It's a photograph.</p> <p>24 (Exhibit 40 was marked for identification.)</p> <p>25</p>
<p style="text-align: right;">Page 144</p> <p>1 J. EAST</p> <p>2 BY MR. YOUNGWOOD:</p> <p>3 Q Are you there, sir?</p> <p>4 A Yes, I'm here.</p> <p>5 Q This is a picture in front of the courthouse, I</p> <p>6 think looking -- the photographer is looking north; is that</p> <p>7 right?</p> <p>8 A Yes, that would be correct.</p> <p>9 Q Okay. And that's the statue in front of the</p> <p>10 courthouse; correct?</p> <p>11 A Yes, sir, appears to be.</p> <p>12 Q Okay. Was this a permitted activity?</p> <p>13 A Not that I know of, no, sir.</p> <p>14 Q Did it require a permit?</p> <p>15 A I don't know. This looks like this was not on</p> <p>16 county grounds. This looks like they were projecting from</p> <p>17 somewhere other than on county property.</p> <p>18 Q So if I project onto county grounds, does that</p> <p>19 require a permit if I'm not standing on county grounds?</p> <p>20 A Great question. I don't know.</p> <p>21 Q Okay. Do you remember this incident -- I don't</p> <p>22 want to call it an incident -- this event?</p> <p>23 A Yes, sir.</p> <p>24 Q It occurred around June 20th; is that right?</p> <p>25 A If you say so. I don't -- I don't know the date.</p>	<p style="text-align: right;">Page 145</p> <p>1 J. EAST</p> <p>2 Q It occurred last summer.</p> <p>3 Is that fair to say?</p> <p>4 A Is this --</p> <p>5 Q Summer of 2020.</p> <p>6 A 2019. I'm sorry.</p> <p>7 Q Sorry?</p> <p>8 A When you said "last summer," I take it --</p> <p>9 Q I know. It's always -- yeah, I got it. It's</p> <p>10 almost 2021, so who knows.</p> <p>11 This occurred in the summer of 2020.</p> <p>12 Does that sound right?</p> <p>13 A Yes, sir.</p> <p>14 Q You were sheriff when it occurred?</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. And was there any violence associated with</p> <p>17 it?</p> <p>18 A Not that I know of.</p> <p>19 Q Okay. Was it disrupted?</p> <p>20 Was it allowed to continue?</p> <p>21 Do you remember anything about it?</p> <p>22 A No, sir, I don't know.</p> <p>23 Q Did your department get involved in it at all?</p> <p>24 Did the county sheriff's department get involved?</p> <p>25 A No, sir, not that I know of.</p>



<p style="text-align: right;">Page 146</p> <p>1 J. EAST</p> <p>2 Q Okay. But you heard no reports of violence;</p> <p>3 correct?</p> <p>4 A No, sir, no violence that I can --</p> <p>5 (Exhibit 41 was marked for identification.)</p> <p>6 BY MR. YOUNGWOOD:</p> <p>7 Q I want to refer you to Tab 41, and you can</p> <p>8 actually -- which we'll mark as Exhibit 41, Tab 42, which</p> <p>9 we'll mark as Exhibit 42, and Tab 43, which we'll mark as</p> <p>10 Exhibit 43.</p> <p>11 (Exhibit 42 was marked for identification.)</p> <p>12 (Exhibit 43 was marked for identification.)</p> <p>13 BY MR. YOUNGWOOD:</p> <p>14 Q I'll represent to you, sir, these are all images</p> <p>15 from the summer of 2019 where the courthouse walls were used</p> <p>16 to display films at night.</p> <p>17 A Yes, sir.</p> <p>18 Q Have you --</p> <p>19 Do you recognize these as such?</p> <p>20 A This is the first time I'm seeing this.</p> <p>21 MR. O'DONNELL: Object to form.</p> <p>22 BY MR. YOUNGWOOD:</p> <p>23 Q Are you aware that the courthouse walls have</p> <p>24 previously been used to display films or videos?</p> <p>25 A I was informed of that, yes, sir.</p>	<p style="text-align: right;">Page 147</p> <p>1 J. EAST</p> <p>2 Q Do you know on how many occasions that's happened</p> <p>3 in the past?</p> <p>4 A No, sir.</p> <p>5 Q Okay. And when were you informed that the</p> <p>6 courthouse walls had been used to display films?</p> <p>7 A I don't know the exact timing. I knew that the</p> <p>8 Oxford Visit --</p> <p>9 I don't know.</p> <p>10 Oxford Film Fest, Visit Oxford may have done</p> <p>11 something. I don't know what the exact wording was, but I</p> <p>12 think it had something to do with Oxford and the film fest</p> <p>13 at the time. I was --</p> <p>14 I was off during that so I don't really remember</p> <p>15 a lot about it.</p> <p>16 Q Okay. Are you aware of any violence that arose</p> <p>17 out of past occasions when videos or films were displayed on</p> <p>18 the outside walls of the county courthouse?</p> <p>19 A Not that I can recall or know of, no, sir.</p> <p>20 Q Okay. Or if not violence, any safety concerns</p> <p>21 that came up during the time that films or videos were shown</p> <p>22 on the outside walls of the county courthouse in the past?</p> <p>23 A I was not in this process to know. By looking at</p> <p>24 it, I would have concern of it being there, if I was asked.</p> <p>25 Q And I'm not asking if you have concerns.</p>
<p style="text-align: right;">Page 148</p> <p>1 J. EAST</p> <p>2 I'm asking if there were actually actual safety</p> <p>3 incidents, violence, people getting hurt or property getting</p> <p>4 destroyed during the display of video or films in the past</p> <p>5 on the outer walls of the Oxford square or county</p> <p>6 courthouse?</p> <p>7 A I don't know of any, sir.</p> <p>8 Q Let's go back to Exhibit -- not back to, but look</p> <p>9 at Tab 25, which we'll mark as Exhibit 25.</p> <p>10 (Exhibit 25 was marked for identification.)</p> <p>11 BY MR. YOUNGWOOD:</p> <p>12 Q So these -- this is a document Bates number _11</p> <p>13 through _13 dated July 6, 2020, 5 p.m., Lafayette County</p> <p>14 Board of Supervisors.</p> <p>15 Do you see that?</p> <p>16 A Yes, sir.</p> <p>17 Q And you'll see that on a few occasions your name</p> <p>18 is listed under the agenda?</p> <p>19 A Yes, sir.</p> <p>20 Q Were you at this meeting?</p> <p>21 A I don't know. I'd have to -- I'd have to hear</p> <p>22 the next question to remember if I was or not.</p> <p>23 Q Well, there's --</p> <p>24 Let's take a look on the last pages of the</p> <p>25 document, page 13, there's some handwriting.</p>	<p style="text-align: right;">Page 149</p> <p>1 J. EAST</p> <p>2 Do you recognize the handwriting?</p> <p>3 A I do not recognize the handwriting.</p> <p>4 Q Okay. The top concerns the confederate statue.</p> <p>5 Do you see that?</p> <p>6 A Yes, sir.</p> <p>7 Q Do you recall being there for a discussion of</p> <p>8 whether or not to move the statue from its current location?</p> <p>9 A Yes, sir.</p> <p>10 Q Okay. So you think then you were at the meeting</p> <p>11 because you remember that discussion?</p> <p>12 A Yes, sir.</p> <p>13 Q Okay. I want to ask you about the bottom,</p> <p>14 though. You'll see it says, "Facility use permit change."</p> <p>15 Do you see that?</p> <p>16 A Yes, sir.</p> <p>17 Q Were you there for that discussion?</p> <p>18 A Yes, sir.</p> <p>19 Q Okay. And tell me what you recall about that</p> <p>20 discussion.</p> <p>21 A I don't --</p> <p>22 I remember --</p> <p>23 I don't really recall what all we did talk about.</p> <p>24 I think this is a --</p> <p>25 We talked about --</p>

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2 I'm trying to read her note to refresh my memory.

3 We had met safety with OPD, UPD, and the

4 sheriff's department advised that we were trying to work

5 together to have a better facility policy amongst all of us

6 so that we could check to make sure we're not overloading

7 each other.

8 Q Okay. And I'm sorry, OPD means Oxford Police

9 Department; right?

10 A Correct.

11 Q What's VPD, if that's a V?

12 I don't know if that's a V or a U.

13 A U, University Police Department.

14 Q Got it, so that's the University of Mississippi.

15 And then do you know what the last reference is

16 there?

17 A Lafayette County Sheriff's Office.

18 Q So your -- your now current office, your prior

19 office OPD and then the University Police Department,

20 University of Mississippi.

21 So what was the discussion that's referenced

22 here, "Safety, OPD, UPD, LSO"?

23 A I'm not exactly sure.

24 We had met with the three entities, OPD, UPD

25 officials, and attorneys had met to try to -- prior to this

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1 J. EAST

2 Different times I had made reference to a curfew

3 or to stop having the permit so late. These are one of the

4 things we discussed with the city. The 30 days, it seemed

5 to be a little excessive, maybe dropping that down.

6 And then again, just safety, about how to network

7 with the other departments so that we're not issuing

8 multiple permits at the same time that will dissolve our

9 resources.

10 Q And then there's the reference to after-dark.

11 What was the discussion there?

12 A That was again things that I had marked in the

13 past. I would assume it was going to be what I talked

14 about, the five o'clock -- the five o'clock -- not leaving

15 it open until ten.

16 Q Was there any rationale given for not leaving it

17 open after five o'clock?

18 A For me, sir, it is because my resources go down

19 even more at night. It's not an area of --

20 The courthouse is right in the middle of town, so

21 all my resources would be further out in the county, and we

22 can't --

23 It's hard for us to put enough manpower there to

24 watch that facility. That's why I'm trying to ask them,

25 once business hours are over, to close the facility down.

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1 J. EAST

2 to try to work to where our policies were the same or close

3 as they could be to each other so that like the sticks or

4 the different things of that, and talked about how we could

5 use our sources to support each other and not divide.

6 Q Okay. And during your tenure as sheriff, could

7 you recall the subject of the Facility Use Policy --

8 Well, strike that because it --

9 Strike that question.

10 What else do you recall about the safety

11 discussion at that meeting?

12 A Just what I mentioned.

13 Q Okay. We'll come back to the after-dark.

14 I want to go to --

15 I can't read it all. Maybe you can read it

16 better, but it talks about the stick and flags. I assume

17 this is the discussion you and I have already had about,

18 when do you get to have a stick?

19 A Yes, sir, I would assume that's what it is.

20 Q What do you recall about that discussion, if

21 anything, at that meeting?

22 A You know, I don't recall a lot of it. I just

23 remember on different occasions talking about, you know, the

24 sticks, that we need to kind of clean that language up in

25 there.

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1 J. EAST

2 Q So let me ask you about that a little bit.

3 After business hours and after dark are different

4 things; right?

5 A They can be, yes, sir.

6 Q In the summer they certainly are; right?

7 A Correct.

8 Q But maybe this time of year they align a little

9 more?

10 A Yes, sir. Yes, sir.

11 Q So was it after dark or after business hours that

12 concerned you?

13 A I put "after business hours." I think it was

14 changed later to say -- I don't know -- sundown or dark or

15 dusk. I don't know exactly what the language is.

16 Q Okay. You can't, without looking at the policy,

17 even tell me what the policy is, right, in terms of whether

18 it's after dark?

19 A I don't know the exact wording of it.

20 It's not at five o'clock. I know that. There's

21 the different verbiage.

22 Q Okay. There are lights near the courthouse?

23 A The courthouse has light -- globe lights, very

24 low-lit more I would call it cosmetic look than for

25 lighting.



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1 J. EAST

2 Q The county could add lights to the courthouse if

3 the darkness is a concern; right?

4 A They could.

5 Q And we've already talked about there are cameras

6 in the area, which helps with safety issues, doesn't it?

7 A I don't know --

8 It definitely helps with solving crime after

9 something is committed. I don't know that it so much helps

10 with the safety.

11 Q Well, you would know better than me, but doesn't

12 having visible cameras itself have a deterrent effect on

13 crime?

14 A You would think so, but it's my experience that

15 it hasn't really slowed it down when I was the chief of

16 police.

17 Q How about the patrols that are mounted patrols

18 that the Oxford Police Department has in this area?

19 Doesn't that serve as a safety protection?

20 A Yes, sir. That does help, yes, sir, to deter

21 crime.

22 Q So the Facility Use Policy is discussed, but no

23 action is taken at this meeting, correct, regarding it?

24 A No, sir, I don't think so.

25 Q Okay. And why, if you remember there being

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1 J. EAST

2 (Exhibit 26 was marked for identification.)

3 BY MR. YOUNGWOOD:

4 Q Tell me when you're there. It's Bates number

5 \_322321.

6 A Yes, sir.

7 Q It's a little bit out of order the way it's in

8 here. Let's just call it Exhibit 26.

9 What I want to start with, actually, is the

10 second page. This is an application filled out by J.F. Rash

11 dated 7/14/2020.

12 Do you see that?

13 A I see his name.

14 Q Okay. And do you see this his organization --

15 A I see it. I gotcha. I'm with you.

16 Q Okay. And you see his organization is called

17 "Projection"?

18 A Yes. Yes.

19 Q Okay. And he fills this out, according to the

20 document at least, on the 14th of July, 2020?

21 A Yes, sir.

22 Q Okay. And he's seeking an event on the evening

23 of Saturday, August 8, 2020; right?

24 A August 8, 2020, yes, sir.

25 Q Okay. And the start time is going to be 8 p.m.;

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1 J. EAST

2 discussion on it, wasn't action taken at this meeting on it?

3 A I don't know.

4 Q Okay. The words -- or the letters "exec" are

5 written next to it. Is that some indication that this was

6 an executive session of some sort?

7 A That's what I would say, yes, sir.

8 Q Is that your recollection that it was in

9 executive session?

10 A Yes, sir.

11 Q Okay. And what does that mean, that the public

12 is asked to leave?

13 A Yes, sir.

14 Q Why?

15 Do you know why the public wasn't permitted to

16 listen to a discussion of changes of the policy of the use

17 of public land?

18 A I don't know what that --

19 I'd have to defer that to someone else.

20 I know the city would have executive sessions a

21 lot of times when we talked about security measures and

22 things like that. So I don't know if that applies to the

23 county or not, but...

24 Q Okay. So that was July 6. We flip to the next

25 tab, which is 26.

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1 J. EAST

2 right?

3 A Yes, sir.

4 Q And we can always -- we can check, sir, but

5 8 p.m. in August, that's probably not dark, is it?

6 A I can't remember. It would be close.

7 Q Okay. 11 p.m. is dark, though, right, if

8 anyone's attending.

9 A Yes, sir.

10 Q His "Explanation of Use: Artist installations

11 with light and projections" -- and I'm having trouble

12 reading the next word -- "and courthouse objects."

13 I'm sorry.

14 -- "onto screens and courthouse objects."

15 That's what it says.

16 Do you see that?

17 A Yes, sir.

18 Q It says, "30 people in attendance," right?

19 A Yes, sir.

20 Q And we've certainly, at least on the number,

21 we've seen applications for permits approved with more than

22 30 people in attendance; right?

23 A I'm sorry. I was reading.

24 Q Yeah. Some of the other permits that we've seen

25 approved in the weeks and months preceding this had more

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1 J. EAST  
2 than 30 people in attendance; right?  
3 A Yes, sir. Some did, yes, sir.  
4 Q Okay. This is --  
5 Now look to the first page.  
6 It's sent to you by Ms. Carwyle.  
7 "I received this yesterday. I believe it's part  
8 of the Fringe Festival. They said they had done this  
9 previously in the breezeway by Highpoint Coffee, but they  
10 wanted it more visible and where people could spread out  
11 more due to COVID. It's a projection show."  
12 Do you see that?  
13 A Yes, sir.  
14 Q And you wrote back, "I will check on this to see  
15 what exactly they want to do," right?  
16 A Okay. Yes, sir.  
17 Q Did you know who Mr. Rash was before receiving  
18 this permit?  
19 A No, sir.  
20 Q Did you know what Projection was before receiving  
21 this permit?  
22 A No, sir.  
23 Q I had shown you pictures of other video being  
24 shown on the courthouse wall, Exhibits 41, 42 and 43 maybe  
25 15, 20 minutes ago.

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1 J. EAST  
2 you were made aware that the courthouse walls had been used  
3 for film and video at night in the past?  
4 A I don't recall.  
5 Q You wrote, "I will check on this to see what  
6 exactly they want to do."  
7 Between her e-mail and his application, what did  
8 you not know that you needed to know?  
9 A Exactly what they were going to do.  
10 Q Well, what --  
11 You end up asking Scott Mills to make the phone  
12 call, but what information did you want Mr. Mills to obtain?  
13 A What would be happening, what are we doing, how  
14 would people be viewing, how large would it be, things like  
15 that.  
16 Q And what --  
17 If you go to the third page, this is your e-mail  
18 to Mr. Mills. Other than --  
19 You write to him, "Will you call and find out  
20 exactly what this is for and all the information so I can  
21 forward to BOS?"  
22 Do you see that?  
23 A Yes, sir.  
24 Q And what did you mean by "exactly what this is  
25 for and all the information"?

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1 J. EAST  
2 At the time that you received this application,  
3 were you aware that the courthouse walls had previously been  
4 used at night to display film and video?  
5 A No, sir.  
6 Q So you only learned --  
7 When did you learn that the courthouse walls had  
8 previously been used to display film and video?  
9 A I don't know exactly.  
10 I think Ms. Carwyle, in a conversation, had told  
11 me they had used that before.  
12 Q Did she tell you that in the course of the  
13 consideration of Mr. Rash's permit?  
14 A I don't think it was in consideration.  
15 They just said that something was -- they did  
16 last year. I don't know if meaning Mr. Rash or they meant  
17 someone else.  
18 Q So while you were considering your input on  
19 Mr. Rash's permit, you were made aware that the space had  
20 previously been used for displaying film and video, the  
21 courthouse walls?  
22 A I was made aware sometime in there. I don't know  
23 exactly when it was, sir.  
24 Q Well, Mr. Rash's permit was eventually denied.  
25 Was it before or after his permit was denied that

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1 J. EAST  
2 A The way I take it, at the time I'm just -- I was  
3 ignorant to what they were doing. I had no idea, had not  
4 heard about this. So we were just trying to get  
5 information.  
6 Q Did you do more or less inquiry into this  
7 projection than you did into the confederate -- the  
8 pro-confederate events that Mr. Johnson sought and obtained  
9 approval for?  
10 A I would say it's the same. I'm more familiar  
11 with Mr. Johnson and his -- what he is because we've seen  
12 him around before.  
13 I was ignorant to this. I had no idea what this  
14 would be for or about.  
15 Q Did you have somebody call Mr. Johnson before  
16 granting or denying each of his permits?  
17 A Yes.  
18 Q So Mr. Rash's application is made on the 14th.  
19 Ms. Carwyle forwards it to you on the morning of the 15th.  
20 You respond to her on page 1 of Exhibit 26 within five  
21 minutes on the morning of the 15th.  
22 Do you see that?  
23 A Yes, sir.  
24 Q But if we look at page 3, you don't forward it to  
25 Mr. Mills to make the inquiry until about 26 hours later on

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1 J. EAST

2 the morning of the 16th.

3 Do you see that?

4 A Yes, sir.

5 Q Why did you wait a day to make that inquiry?

6 A I can't tell you. I don't know.

7 Q Okay. You'll agree with me we've seen other --

8 we've seen other permits granted with your input within 24

9 hours from application; right?

10 A Yes, sir.

11 Q Okay. And did Mr. Mills ever tell you what the

12 substance was of his conversation with Mr. Rash?

13 A It was going to be an artist doing local art

14 projection up there, the best I remember, and that the way

15 people were going to view it would that they would be view

16 it by driving by, or there may be -- I don't want to be held

17 to this, but I think he said there may have been two open

18 parking spaces directly across from the east side of the

19 courthouse on city property where people could pull in and

20 watch it.

21 Q Okay. Did he tell you what questions he asked

22 Mr. Rash?

23 A Just what I explained.

24 Q Did he tell you that he asked Mr. Rash, really

25 what I want to know, is there anything that is going to talk

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1 J. EAST

2 Q Okay. But I'm trying to -- sorry. I don't mean

3 to over -- speak over you.

4 Chief Mills --

5 Is it your testimony, sir, that Chief Mills asked

6 Mr. Rash, is there anything in it that's going to bother

7 people, or Chief Mills asked Mr. Rash what the content was

8 of what he was going to display?

9 A My direct testimony is, I was not there. I don't

10 know exactly what Mr. Mills asked him.

11 Q Then let me change it.

12 What did Mr. Mills tell you?

13 That you can tell me.

14 A That it was an art show, that he would be showing

15 things about art. He may even explained to me maybe when I

16 first heard that they had this type of event last year and

17 that people were going to be driving by and viewing it and

18 would be access in the parking lot to pull in and view it.

19 Q Did he in any way describe to you what he

20 understood to be the nature of the film that would be

21 displayed?

22 A I don't know what that means, "the nature".

23 Q There are all sorts of art.

24 I mean, did you have a sense of what the films

25 would be about?

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1 J. EAST

2 about the monument or things that have been going on in

3 Oxford lately?

4 A No, sir, I don't recall that.

5 I recall him telling me that he did have a

6 conversation with him to see if the event would cause

7 counter-protest or upset people so that we could prepare.

8 I don't recall him giving me exact verbiage.

9 Q Okay. So you think -- I'm sorry.

10 Is it Deputy Mills? I want to make sure I have

11 his title correct.

12 A It's Chief Mills.

13 Q Chief Mills.

14 So Chief Mills did ask him whether or not the

15 display would in some way concern the monument?

16 A I don't know that, sir. I wasn't present at

17 that.

18 Q He did ask him about what the content of the

19 display would be?

20 A I don't know that either. I wasn't there. He

21 just --

22 What he advised me, you know, whether or not it

23 would arouse people, people were going to be over there

24 being upset so that we could find out if we needed more

25 security, those type things.

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1 J. EAST

2 A No.

3 Q Mr. Mills didn't tell you anything about what the

4 films would be about?

5 A Art, pictures.

6 No, sir, he didn't go into specific --

7 I still don't know anything about it. I don't

8 know.

9 Q Well, you don't know because it wasn't displayed.

10 Right, sir?

11 A Well, I don't know if he did another event or

12 not. I don't know if he had --

13 So I don't know.

14 Q Okay.

15 A The city was having several events that night too

16 around town.

17 Q Okay. Upon --

18 And when did Mr. Mills and you have this

19 conversation where he described what Mr. Rash said?

20 A It would be after I sent the e-mail. I don't

21 know if it was the 16th, 17th, 18th. I don't know the date.

22 Q Okay. You'd certainly agree with me that an

23 application on the 14th of July was sufficiently in advance

24 of the 8th of August for you to make any safety

25 determination you had to make concerning the application;

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1 J. EAST

2 right?

3 A Repeat that again so I can hear you.

4 Q Yes.

5 He applied on July 14 for an event on August 8.

6 That gave you sufficient time to make a safety

7 determination?

8 A Yes, that was --

9 Yes, sir, I would agree with that.

10 Q So what did you do to make your safety

11 determination?

12 A Talked to him about it.

13 If you ask me what my safety concerns would be.

14 Q I'll ask you that in a second. I'm asking what

15 process you went through to make a determination regarding

16 safety.

17 A What Mr. Mills advised me about where the

18 projector would be, those type things.

19 I actually went to the courthouse, walked off

20 from the building to the street to where people -- to see if

21 there was enough room for people to stand and view it, and

22 then took all that into consideration.

23 Q Okay. And did you take into consideration that

24 similar events had been held on the courthouse walls in the

25 past without incident?

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1 J. EAST

2 A I think, yes, sir, I'd agree with that. I don't

3 think there was -- that I know of, there was not an

4 incident.

5 Q The concerns you just raised about the driving,

6 did you share those concerns with anyone?

7 A Ms. Carwyle and Mr. O'Donnell.

8 Q When was that?

9 A I didn't keep notes. I'm sorry. I don't know.

10 Q Before or after the permit was denied?

11 A It would have been --

12 I don't think the permit was denied based on

13 that.

14 Q I didn't ask that.

15 I'm asking, just to try to get a time, before or

16 after it was denied?

17 A I'm assuming it was before.

18 Q In the conversation with you said Ms. Carwyle and

19 Mr. O'Donnell, is that one conversation or separate

20 conversations?

21 A I don't remember, sir.

22 Q Okay. If you'd turn to Tab 27, this will be

23 Exhibit 27.

24 (Exhibit 27 was marked for identification.)

25

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1 J. EAST

2 A Yes, sir.

3 Q Okay. And did you determine that it would be

4 safe for this event to take place?

5 A I don't know that --

6 I did have concern with the people driving. I

7 thought it would be unsafe the way they were --

8 It was brought to me by Chief Mills is that

9 people would be driving by because of COVID. They could

10 view it that way. They would be walking also, which is

11 dangerous around the square, and that they could -- the

12 parking.

13 I didn't think that was appropriate to be driving

14 and watching video on the courthouse lawn.

15 Q Okay. And so the driving concern arose out of

16 COVID?

17 A Ms. Carwyle, that's the reason they were having

18 it there. I think that we read earlier is the reason he

19 wanted to have it over there is because of COVID.

20 Q Okay. Again, films, videos have been shown on

21 the courthouse wall in years long before COVID; right?

22 A I was told that, yes.

23 Q Okay. And without incident, even though there

24 was --

25 Well, without incident that you know of; right?

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2 BY MR. YOUNGWOOD:

3 Q This is the denial of Mr. Rash's permit; correct?

4 A Yes.

5 Q Okay. Do you know when Mr. Rash was informed

6 that his permit had been denied?

7 A No.

8 Q Okay. Let's go to Tab 29, which is Exhibit 29.

9 We've looked at it before.

10 This is a meeting of the --

11 This is the order approving further changes to

12 the policy regarding facility use dated July 20.

13 Were you at the meeting in which these changes

14 were made?

15 A I don't recall. I don't know.

16 Q Well, we looked at the notes from the July 6

17 meeting. We don't seem to have notes from this meeting.

18 Was this --

19 Do you remember being at more than one meeting of

20 the Board of Supervisors where the potential changes to the

21 policy were discussed?

22 A I remember discussing it since the last time.

23 I'm assuming I was here. I just don't remember

24 whether I was or not. I just don't recall it.

25 Q We've already discussed the 14-day aspect of

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1 J. EAST

2 this?

3 Let's go to the 30 minutes before dusk.

4 A Okay.

5 Q That's different than the 5 p.m. you put in your

6 comments in the notes we looked at that were Exhibit 22;

7 right?

8 That says "dusk," not 5 p.m.?

9 A Yes, sir.

10 Q Okay. Did you play a role in choosing the word

11 "dusk"?

12 A No, sir.

13 Q Okay. When is dusk today?

14 A I would say approximately 4:15, maybe, 4:15,

15 4:30.

16 Q So dusk is something that takes place before

17 sunset?

18 A That's the way I would think it was, yes, sir.

19 Q Okay. And so according to my phone, your sun

20 will set in Oxford today at 4:52. So you're saying about 30

21 minutes, 35 minutes, something like that before sunset;

22 right?

23 A Yes, sir.

24 Q I couldn't hear what you just said. It was the

25 video connection.

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1 J. EAST

2 Q Okay. But you'd agree with me when the sun sets

3 it's not dark out yet?

4 A Right.

5 Q So it doesn't mean when it's dark. It means when

6 the sun sets; right?

7 A It means before dark.

8 Q Well, this says 30 minutes before -- strike that.

9 Does dusk mean before dark?

10 A Counsel, I've answered it, so I'd refer back to

11 what they meant by it.

12 The way I take it, it's before dark. It's right

13 before dark.

14 Q You'd agree with me that "dusk" is a word subject

15 to interpretation?

16 A Apparently so because we both have different

17 versions.

18 Q Okay. Well, 5 p.m. would not be subject to

19 interpretation; right?

20 A Correct.

21 Q Okay. Dusk -- dusk is; right?

22 A To me it's 30 minutes before. I mean, it's right

23 at dusk to dark.

24 Q I'm sorry. Dusk is 30 minutes before --

25 The policy says 30 minutes before dusk. I'm

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1 J. EAST

2 A Yes, sir.

3 Q Okay. And this policy says 30 minutes before

4 dusk; right?

5 A Yes, sir.

6 Q So if dusk is 4:15, then on December 18, 2020,

7 you can't have an event that passes 3:45 p.m.; right?

8 A The way you're looking at it and the way I was

9 answering was meant 4:15 would be the last time you could

10 have -- get the permit. That would be when you need to

11 leave right now.

12 Q Okay. So you're then interpreting dusk to be

13 effectively sunset?

14 A Yes, sir. This says 30 minutes before dusk. I

15 was just thinking before dark, 30 minutes before that.

16 Q Well, let me ask you, sir --

17 And I'm sorry to perhaps split hairs, but I want

18 to understand how you interpret the policy.

19 Is dusk sunset or something else?

20 Is it --

21 I mean, sunset, which we can all look up in the

22 newspaper or on our phones, is a set time every day in every

23 geographic location.

24 Does dusk mean sunset to you?

25 A Yes, that's what I was taking it as.

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1 J. EAST

2 asking when actually when dusk is.

3 A I do not know.

4 Q Okay. You'd agree with me whenever it is, it's

5 different on December 18, a different time than it is on,

6 we'll just say when Mr. Rash wanted to have his event?

7 A Yes, sir, I would agree with that.

8 MR. YOUNGWOOD: I have a document, sir, that

9 might refresh your recollection that you actually were

10 at this meeting. I don't know if maybe Mr. O'Donnell,

11 this one page, could print it out if Ms. Cron sends it

12 to you.

13 Can we do that?

14 MR. O'DONNELL: Did you just send it?

15 MR. YOUNGWOOD: I don't know if she's sent it

16 yet.

17 Lily, could you send it, please?

18 MS. CRON: Yes, I can do it right now.

19 THE WITNESS: Okay.

20 MR. YOUNGWOOD: Okay. Why don't we mark this as

21 29A.

22 (Exhibit 29A was marked for identification.)

23 BY MR. YOUNGWOOD:

24 Q So this is a document that says the "Minutes of

25 the Lafayette County Board of Supervisors July 20, 2020,

<p style="text-align: right;">Page 174</p> <p>1 J. EAST</p> <p>2 9 a.m.," and you are listed as being in attendance.</p> <p>3 Do you see that?</p> <p>4 A Yes, sir.</p> <p>5 Q Does that in any way refresh your recollection as</p> <p>6 to the discussions that you heard at that meeting concerning</p> <p>7 the courthouse grounds?</p> <p>8 A No, sir.</p> <p>9 Q What else was discussed at this meeting?</p> <p>10 A I don't know.</p> <p>11 Q Do you believe anything was discussed other than</p> <p>12 the courthouse policy?</p> <p>13 A I don't recall, sir.</p> <p>14 Q Okay. Was this meeting called specifically to</p> <p>15 change the policy regarding courthouse grounds?</p> <p>16 A I don't recall. I don't remember that.</p> <p>17 Q Was it possible it was called specifically to</p> <p>18 change the policy before action was taken on Mr. Rash's</p> <p>19 application?</p> <p>20 A I just --</p> <p>21 I don't know.</p> <p>22 Q That's possible?</p> <p>23 A I said I don't know if it's possible or not. I</p> <p>24 don't know why it was called.</p> <p>25 Q The meeting was the 20th. Mr. Rash's application</p>	<p style="text-align: right;">Page 175</p> <p>1 J. EAST</p> <p>2 was the 14th.</p> <p>3 Do you know why action had not yet been taken on</p> <p>4 Mr. Rash's application prior to the meeting?</p> <p>5 Seven days had already -- or six days had already</p> <p>6 passed.</p> <p>7 A No, sir.</p> <p>8 Q You'll agree we haven't seen, at least in our</p> <p>9 discussion here today, any application that took as long as</p> <p>10 six days to act upon; correct?</p> <p>11 A No, sir. You haven't shown any others, no.</p> <p>12 (Exhibit 30 was marked for identification.)</p> <p>13 BY MR. YOUNGWOOD:</p> <p>14 Q If you turn to the next Tab 30, this is an e-mail</p> <p>15 to Mr. Rash copying you, and she writes, "Good morning,</p> <p>16 Mr. Rash. Please see the attached permit. I denied the</p> <p>17 permit due to a change in the county's permit policy. No</p> <p>18 permits will be issued after dusk due to the security</p> <p>19 issues. Thanks."</p> <p>20 Do you see that?</p> <p>21 A Yes, sir.</p> <p>22 Q Are you aware of any conversations that took</p> <p>23 place with Mr. Rash to see if there were ways to make</p> <p>24 accommodations, be it change in time or specific location on</p> <p>25 the courthouse to allow his event to proceed on the 8th?</p>
<p style="text-align: right;">Page 176</p> <p>1 J. EAST</p> <p>2 A No, sir.</p> <p>3 Q Okay. And at times you do enter into</p> <p>4 conversation with applicants to see if there are</p> <p>5 modifications that can be made to allow their events to go</p> <p>6 forward; correct?</p> <p>7 A We have.</p> <p>8 Q But that was not done with Mr. Rash; right?</p> <p>9 A Well, we've talked to people, not to accommodate</p> <p>10 that, but to have less people there is the only thing I</p> <p>11 remember, than 50.</p> <p>12 Q Okay. And you'll recall in Exhibit 22 your</p> <p>13 comments to the policy that you circulated on the 30th of</p> <p>14 June, one of your comments was in connection with the</p> <p>15 five o'clock time restriction that that should be unless</p> <p>16 special request to and approved the Board of Supervisors.</p> <p>17 Remember you made that suggestion?</p> <p>18 A I made the suggestion that they move it to</p> <p>19 five o'clock and, for instance, would have an appeal</p> <p>20 process, is what I was --</p> <p>21 Q And that suggestion was not included in the order</p> <p>22 changing the policy that the Board of Supervisors adopted on</p> <p>23 July 20; right?</p> <p>24 A There was no wording to say that, no, sir.</p> <p>25 Q Has there been an amended redrafted version of</p>	<p style="text-align: right;">Page 177</p> <p>1 J. EAST</p> <p>2 Exhibit 2, which is the March 4, 2019 version of the policy</p> <p>3 that we looked at earlier today?</p> <p>4 A I don't know.</p> <p>5 Q Okay. So there is no document later dated than</p> <p>6 this document that would add into it the changes that were</p> <p>7 made by the Board of Supervisors on either July 20 or</p> <p>8 June 15, two changes we've looked at that took place in June</p> <p>9 and July of this year?</p> <p>10 A I got lost in your question.</p> <p>11 Q Okay. We have Exhibit 2, which is the March 4,</p> <p>12 2019 version of the policy; right?</p> <p>13 We've looked at that; correct?</p> <p>14 A Yes, sir. I've looked at a lot of stuff. I'm</p> <p>15 kind of -- I'm just lost.</p> <p>16 Q Let's go slower. If you could flip to Tab 2.</p> <p>17 A Yes, sir.</p> <p>18 Q Exhibit 2. This is the policy you and I looked</p> <p>19 at for a bit earlier today; right?</p> <p>20 A Yes.</p> <p>21 Q And then we looked at the amendment that was made</p> <p>22 at Tab 7 on June 15; correct?</p> <p>23 A Yes, sir.</p> <p>24 Q And then we just looked at --</p> <p>25 We're still looking at the amendment made on</p>



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1 J. EAST

2 June 29; correct?

3 A Yes, sir.

4 Q I'm sorry. That was a definite misspeak.

5 That was Exhibit 29, which is the amendment made

6 on July 20; correct?

7 A They amended it on the 15th of June, and what was

8 the next one?

9 Q 20th of July, correct?

10 A Yes, sir.

11 Q So what I'm asking is, is there a rewritten

12 version of the policy in one document that contains the

13 amendments from the 15th of June and the 20th of July?

14 A I don't know, sir. I don't know if it's been

15 done. Ms. Carwyle or --

16 I haven't done it, so, no, I don't know.

17 Q Okay. And no one's sent it to you; right?

18 A I don't recall it being sent to me.

19 Q Okay. Is there any reason you can think of that,

20 even if the policy contained a darkness restriction, that

21 there wouldn't be circumstances in which it would still be

22 safe to have an event on the courthouse grounds after dark?

23 A Repeat that, please.

24 Q Yes.

25 Can you envision circumstances in which it would

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1 J. EAST

2 inform Mr. Rash that his permit had been denied?

3 A No, sir.

4 Q There is a reference then on the same document to

5 an e-mail four days later, Monday July 27, and she writes,

6 "In response to your question on Friday, the courthouse

7 grounds, including the statue area, are closed for any

8 gathering after dark regardless of permit requirements, so

9 you would not be allowed to be on the grounds from 30

10 minutes prior to dusk to sunrise. Thanks."

11 Do you see that?

12 A Yes.

13 Q Okay. Did Ms. Carwyle share with you the nature

14 of the conversation she had with Mr. Rash on, it would

15 appear from this exchange, Friday the 24th of July?

16 A I don't recall, sir.

17 Q Okay. Did you discuss with her in any way the

18 information she gave Mr. Rash on the morning of the 27th in

19 this e-mail chain?

20 A I don't recall.

21 (Exhibit 31 was marked for identification.)

22 BY MR. YOUNGWOOD:

23 Q Okay. Let's go on to 31. This is a document

24 beginning Bates number \_346, \_344.

25 She writes you, Ms. Carwyle, an e-mail. "This

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1 J. EAST

2 be safe to have more than five people -- strike that.

3 Can you envision circumstances in which it would

4 be safe to have five or more people gather on the courthouse

5 grounds after dark?

6 A Could I --

7 Could I envision that?

8 Q Yes.

9 A Sure.

10 Q And there would certainly be nights when no other

11 events are taking place and you'd have sufficient resources

12 to do whatever you would need to do to safeguard the safety

13 of that event?

14 A If we're speaking hypothetically, I'm sure that

15 there would be a time when that would be possible.

16 Q Okay. Did you -- strike that.

17 Were there other events that were using your

18 resources on the 8th of August of this year that would have

19 made it impossible for you to safeguard an event taking

20 place at 8 p.m. on the courthouse grounds?

21 A I don't recall of another event in here.

22 Q Do you know why it took --

23 Well, back to Exhibit 30, Tab 30.

24 Do you know why it took until July 30 -- I'm

25 sorry -- why it took until July 23rd for Ms. Carwyle to

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1 J. EAST

2 was turned in this afternoon. I guess it's exactly 14 days

3 prior to 8/27. She had" -- I think there's a typo.

4 I think, "She had said she wanted it at seven for

5 an hour and a half. I Googled when dusk would be, and my

6 computer said 7:54 p.m. I called and told her she'd have to

7 be done by 7:30. So she asked me to change the time."

8 Do you see that?

9 A Yes, sir.

10 Q First, you don't know if Ms. Carwyle Googled

11 "dusk" or Googled "sunset," right?

12 You don't know quite what she looked at to get

13 7:54?

14 A No, sir.

15 Q And when she indicates that there was a change in

16 the time, is this, sir, an instance of a circumstance where

17 the county worked with the applicant to see if the program

18 could be adjusted to allow it to take place?

19 A Yes, sir.

20 It seems that Ms. Carwyle was trying to assist

21 her so that she wouldn't be in violation.

22 Q Okay. Did --

23 And it says --

24 You say at the top, "After checking with other

25 entities, we have the resources to provide them with a safe



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1 J. EAST  
2 environment and see no safety issues."  
3 Do you see that?  
4 A Yes, sir.  
5 Q Okay. And what is it that you learned about this  
6 event between 5 p.m. on August 13 and 2:05 p.m. the next day  
7 that made you comfortable that it could be safe?  
8 A You know, I can't recall talking to this --  
9 We have no red flags that there would be any  
10 issue with this.  
11 Q Okay. Was one of the things that gave you  
12 comfort there were no red flags is that the "Explanation of  
13 Use" was "Worship and prayer"?  
14 A No, sir, I don't recall exactly what it was.  
15 Q Okay. Let's go to the next Tab 32, which will be  
16 Exhibit 32.  
17 (Exhibit 32 was marked for identification.)  
18 VIDEOGRAPHER: Excuse me, Mr. Youngwood. We've  
19 got a couple more minutes, and I'm going to have to  
20 change the media.  
21 MR. YOUNGWOOD: We'll do this and maybe the next  
22 one, and then we'll take a little break.  
23 VIDEOGRAPHER: Yes, sir.  
24 BY MR. YOUNGWOOD:  
25 Q Sheriff East, there's an e-mail between you and

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1 J. EAST  
2 or cite someone -- strike that.  
3 During the time you've been sheriff, to your  
4 knowledge, has your office ever arrested or cited someone  
5 for being on courthouse grounds?  
6 A No, sir, that I can recall.  
7 Q Okay. Whether you were sheriff or not, were you  
8 aware of anyone being arrested or cited for being on  
9 courthouse grounds?  
10 A No, sir, not that I know of.  
11 Q And have you ever arrested or cited someone for  
12 violating the five-person rule that's articulated in the  
13 Facility Use Policy as amended this year?  
14 A No, sir.  
15 Q Have your officers ever told somebody to leave  
16 the courthouse grounds because they were there after dusk?  
17 A No, sir, not that I can recall right now.  
18 Q Have they ever told anyone to break up a group  
19 because there was more than five people without a permit on  
20 the courthouse grounds?  
21 A Yes, sir, I believe so.  
22 Q Okay. When was that?  
23 A There have been several occasions where we had  
24 spontaneous people would show up either for or against the  
25 statue and have more people, and we would direct them that

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1 J. EAST  
2 Ms. Carwyle August 21.  
3 "Lisa, when you have the time, will you let me  
4 know if the event was approved for the rest of the month for  
5 the courthouse lawn."  
6 Do you recall what exactly you're asking her?  
7 A There was --  
8 If I remember correctly, there was no permit, but  
9 there was talk that someone wanted to -- I think this is it  
10 -- wanted to use the courthouse lawn like on weekends, but I  
11 don't know if that ever went through.  
12 Q Okay. And if you could turn to the next Tab 33,  
13 which will be Exhibit 33, Bates number \_348.  
14 (Exhibit 33 was marked for identification.)  
15 BY MR. YOUNGWOOD:  
16 Q Ms. Carwyle sends -- strike that.  
17 You're not on this e-mail.  
18 Are you in this e-mail group "Supervisor," or  
19 would that be the Board of Supervisors and probably doesn't  
20 include you?  
21 A Doesn't include me.  
22 Q Then I don't have a question on it.  
23 Let me ask you one or two questions, then we'll  
24 change the tape.  
25 During your time as sheriff, did you ever arrest

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1 J. EAST  
2 they couldn't have more than four, but they were welcome to  
3 walk around on the sidewalks.  
4 Q Okay. This was during the day?  
5 A Yes, sir.  
6 Q That was --  
7 When was the most recent incident, or these all  
8 in the summer, or are they more recent?  
9 A They were sporadic, and it was several times. I  
10 don't know exactly when it was.  
11 Q Okay.  
12 A It kind of all runs together.  
13 MR. YOUNGWOOD: I think we have to change the  
14 tape, so we should go off the record.  
15 VIDEOGRAPHER: We're going off the record. The  
16 time is 2:06 p.m.  
17 (Recess was taken.)  
18 VIDEOGRAPHER: This is the start of Media  
19 Number 5. We're now back on the record. The time is  
20 2:17 p.m.  
21 BY MR. YOUNGWOOD:  
22 (Exhibit 35 was marked for identification.)  
23 BY MR. YOUNGWOOD:  
24 Q Sheriff, if you could turn to Tab 35, please.  
25 A Yes, sir.

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1 J. EAST

2 Q We'll mark this as Exhibit 35, Bates number \_364

3 to \_370. This is a letter you wrote the mayor of Oxford, am

4 I correct, in --

5 It doesn't actually have a date on it.

6 It looks like in late August or early September;

7 is that right?

8 A Yes, sir.

9 Q Right?

10 A Yes, sir.

11 Q And you wrote it following some events that took

12 place on August 28; right?

13 A Yes, sir.

14 Q And so what was it that gave rise to your writing

15 this letter?

16 A We had an incident --

17 We had Ole Miss Football players on Friday,

18 August the 28th. I guess they protested practice and were

19 marching to the square and occupied the streets and then the

20 courthouse lawn and on the statue itself.

21 Q And what was your concern?

22 A The concern was, first, they had no permit. We

23 were not notified in proper time. I did not have the

24 manpower. It could very easily have escalated.

25 What prompted me to write the mayor is that,

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1 J. EAST

2 A Yes, sir.

3 Q And that was actually paid, wasn't it? The Ole

4 Miss Athletics foundation paid you \$1,509.72?

5 A Yes, sir.

6 Q Are there other occasions in which an order -- I

7 understand this is after the fact.

8 Are there occasions in which you proposed to

9 event organizers that if they were going to pay for

10 additional security events that might pose a safety hazard,

11 it could nevertheless go forward?

12 A No, sir.

13 Q Okay. And you remember that under --

14 I'm directing you back to Exhibit 2, please,

15 which is Tab 2.

16 A Yes, sir. Yes, sir.

17 Q Exhibit 2, Tab 2, page 3.

18 A Yes, sir.

19 Q There's the paragraph on the bottom that says,

20 "Security"?

21 A Yes, sir.

22 Q We discussed this earlier. This sets forth

23 provisions under which an applicant could pay to secure

24 necessary security; correct?

25 A Yes, sir.

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1 J. EAST

2 actually, I was notified probably about 8 -- approximately

3 8:30, 8:40, and when it was over with we learned through

4 talking to other people that the mayor had been contacted

5 and was on scene approximately an hour before we knew about

6 it, and I was letting her know that if this was to happen

7 again that her chief of police, along with myself, were to

8 know that we're having some type of event so we can be

9 better prepared for that.

10 Q Okay. She responds to you on the second page,

11 September 8, and she says, "Your information is not simply

12 correct," among the other things she says.

13 Do you see that?

14 A Yes, sir.

15 Q Did you and she ever discuss this and figure out

16 what she thought was wrong and where you differed?

17 A No, sir, we did not.

18 Q You wrote another letter. Again, I can't tell

19 the date. It doesn't have one, but it would seem to be

20 around the same time shortly after the 28th of August, and

21 this one you write to the university.

22 Do I see that correct?

23 A Yes, sir.

24 Q Okay. And in it you send them a bill for the

25 services of your officers?

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1 J. EAST

2 Q Have you ever invoked this paragraph?

3 A No, sir.

4 Q It remains unchanged. This is still part of the

5 policy today; is that right?

6 A Yes, sir, I believe that's correct.

7 Q Okay. Let's go on now, sir, and this is back to

8 the exhibits that may be loose in front of you. They're

9 some of the ones that were sent to Mr. O'Donnell this

10 morning because we got them produced later.

11 MR. YOUNGWOOD: Mr. O'Donnell, I'll tell you, we

12 have sent you two additional images. I don't know if

13 it's possible to print them either in black and white

14 or color. We can also share a screen when we get to

15 them. But those probably will be the last two things

16 we send you.

17 MR. O'DONNELL: Yeah, let me retrieve those.

18 MR. YOUNGWOOD: Thank you so much. Let's wait

19 for Mr. O'Donnell to come back.

20 THE WITNESS: Hello?

21 MR. YOUNGWOOD: You ready?

22 THE WITNESS: Yes, sir.

23 BY MR. YOUNGWOOD:

24 Q Let's take a look, before we get to what Mr.

25 O'Donnell printed out, go to Tab 60, please.

<p style="text-align: right;">Page 190</p> <p>1 J. EAST</p> <p>2 (Exhibit 60 was marked for identification.)</p> <p>3 BY MR. YOUNGWOOD:</p> <p>4 Q This is -- which we'll mark as Exhibit 60.</p> <p>5 It's a two-page document. It's an exchange</p> <p>6 between you and Chief McCutchen; is that right?</p> <p>7 A No, sir.</p> <p>8 I don't think 6 --</p> <p>9 Is that what you told me?</p> <p>10 Q No. I may not have spoken clearly. Tab 60, 6-0,</p> <p>11 one of the loose things that were given to you probably this</p> <p>12 morning.</p> <p>13 Okay. You ready?</p> <p>14 A No, sir. I'm not there yet.</p> <p>15 Q And I'll tell you, you may want to locate 61 as</p> <p>16 well, which I think is an attachment to that exchange or</p> <p>17 goes with that exchange.</p> <p>18 A Yes, sir.</p> <p>19 Q Okay.</p> <p>20 A Yes, sir.</p> <p>21 Q Okay. So 60, it should be a series of e-mails</p> <p>22 from October and November of 2020?</p> <p>23 A Yes, sir.</p> <p>24 Q Okay. So if you turn to the second page, it's an</p> <p>25 e-mail from you to Chief McCutchen?</p>	<p style="text-align: right;">Page 191</p> <p>1 J. EAST</p> <p>2 A Yes, sir.</p> <p>3 Q And you write him, "Would it be possible for your</p> <p>4 agency to supply us with data about the downtown area? As</p> <p>5 you know, we're preparing a case in Federal Court, and this</p> <p>6 information could possibly be useful."</p> <p>7 Do you see that?</p> <p>8 A Yes, sir.</p> <p>9 Q And the case you're referring to is this case; is</p> <p>10 that right?</p> <p>11 A Yes, sir, it is.</p> <p>12 Q Okay. And you ask him for a collection of</p> <p>13 information about the downtown area safety concerns, the</p> <p>14 downtown area, et cetera; correct?</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. And you go back and forth with him, and</p> <p>17 you have to remind him that you need the information again,</p> <p>18 and you thank him for doing the work that he's doing.</p> <p>19 That's on the first page; right?</p> <p>20 A Yes, sir.</p> <p>21 Q Now if you could go to 61, which will be marked</p> <p>22 as Exhibit 61.</p> <p>23 A Yes, sir.</p> <p>24 (Exhibit 61 was marked for identification.)</p> <p>25</p>
<p style="text-align: right;">Page 192</p> <p>1 J. EAST</p> <p>2 BY MR. YOUNGWOOD:</p> <p>3 Q Is this the data you requested?</p> <p>4 A Yes. This is what he sent us, yes, sir.</p> <p>5 Q Just starting with number 5, he says, "They don't</p> <p>6 have the video, but the city's EMA director may have it."</p> <p>7 Did you ever obtain any of those videos?</p> <p>8 A No, sir.</p> <p>9 Q Okay. And take your time to reread 3 and 4.</p> <p>10 Well, let's actually just look at 4.</p> <p>11 "What are your current safety concerns for the</p> <p>12 downtown area?"</p> <p>13 Do you see any references here to the courthouse</p> <p>14 area?</p> <p>15 A No, sir.</p> <p>16 Q And then number 3 he gets you some information</p> <p>17 regarding the downtown area at times of the home football</p> <p>18 game.</p> <p>19 Do you see that?</p> <p>20 A Yes, sir, I do.</p> <p>21 Q Now, how many home football games are there a</p> <p>22 year?</p> <p>23 A Seven.</p> <p>24 Q So 7 out of 365 days there will be a home</p> <p>25 football game; right?</p>	<p style="text-align: right;">Page 193</p> <p>1 J. EAST</p> <p>2 A Yes, sir.</p> <p>3 Q So any concerns associated with the home football</p> <p>4 game wouldn't apply on most of the days of the year; right?</p> <p>5 A No, sir, that's not exactly true.</p> <p>6 Q Well, go ahead and explain.</p> <p>7 A The downtown area is unique, so it's hard to tell</p> <p>8 when it's going to have a lot of activity, but it's a lot</p> <p>9 more than seven times a year. There's baseball season.</p> <p>10 There's basketball season. The home football game, the</p> <p>11 crowds pick up Thursday, Friday, even into Sunday that they</p> <p>12 have to prepare for.</p> <p>13 It's just kind of sporadic. And we saw before I</p> <p>14 left it was growing more and more just on a regular basis.</p> <p>15 Q But you would agree with me it's not every night</p> <p>16 of the year that the downtown area is affected by athletic</p> <p>17 events at the university?</p> <p>18 A Yes, sir.</p> <p>19 Q Yes, you agree with me?</p> <p>20 A I agree that there's not an event every night of</p> <p>21 the year, yes, sir.</p> <p>22 Q I don't know if the university is on break yet,</p> <p>23 but it probably is close to break.</p> <p>24 There's certainly no events when the university</p> <p>25 is on break of large-scale athletics; right?</p>

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2 A Right. If the university is on break, there's no

3 athletics usually going on.

4 Q So during much of the summer the university is on

5 break, for example?

6 A There's still baseball and stuff like that, yes,

7 sir.

8 Q And then this data that he gave you, referring to

9 arrests in the downtown area, that's under number 1; right?

10 A Yes, sir.

11 Q Okay. And wrecks and vehicle accidents in the

12 last five years, he gives you that under number 2; right?

13 A Yes, sir.

14 Q But there's no indication here as to whether or

15 not these accidents take place in the roads through the town

16 square or somewhere else downtown; correct?

17 A There's no reference to where exactly those motor

18 accidents happen.

19 Q Is there any other data that you've been provided

20 by Chief McCutchen in connection with this request that you

21 made?

22 A No, sir.

23 Q Or any other data that you've been provided by

24 him that was requested in connection with this case?

25 A No, sir.

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2 petition -- sorry -- this permit request, did you express

3 any concerns about traffic being distracted by the vigil?

4 A I can't recall if I did or not.

5 Q Okay. I want you to now look at the two

6 documents that were just printed, which are tabs -- or

7 number 64 and 65. They're two pictures.

8 A Yes, sir.

9 (Exhibit 64 was marked for identification.)

10 (Exhibit 65 was marked for identification.)

11 BY MR. YOUNGWOOD:

12 Q I will represent to you that these are said to

13 have been taken during that vigil.

14 Did you witness that vigil in any way?

15 A Not there --

16 Yes, sir. At times, yes, sir.

17 Q You did see it.

18 So these images that 64, which is a person

19 dressed in black holding a confederate flag standing at the

20 base of the statue, and 65, which is again at the base of

21 the statue, the same individual in a black gown surrounded

22 by individuals dressed by -- as confederate soldiers holding

23 what appear to be guns -- rifles, I should say -- did you

24 see images like this when you observed the vigil?

25 A Not in this detail, no, sir. These were from

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2 Q And I shouldn't have limited it to the chief.

3 From the department, from the Oxford Police

4 Department itself, no other data you've received?

5 A No, sir.

6 Q Are you waiting for other data?

7 A No, sir.

8 Q Okay. Let's go back.

9 And just so I understand, I think you testified

10 to this already, but a concern that you at some point had

11 regarding Mr. Rash's application to display films and videos

12 on August 8 related to drivers being distracted by the

13 images?

14 Is that what I understood?

15 A Yes, sir, that would be one of them.

16 Q Okay. When we go to Tab 6, which is Exhibit 6,

17 we looked at this before. It's the application and permit

18 approval for Mr. Johnson's Anthony Hervey vigil at 9 p.m. on

19 July 19.

20 Do you see that?

21 A I'm getting there. Hold on just a second.

22 Q Yep.

23 A Yes, sir.

24 Q Did you, when you granted -- strike that.

25 When you were consulted about granting this

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2 that night, I believe.

3 Q Okay.

4 Sir, 65, 64 -- and we can show you other pictures

5 if it's useful. I thought two was enough.

6 Did you see these as being distracting to

7 motorists passing by?

8 A Yes, sir, I see it --

9 I think it is distracting.

10 Q Okay.

11 A I think I mentioned earlier how pedestrians were

12 walking to them and talking to them. Those were a concern.

13 Q Were there any accidents that night?

14 A No, sir. Not that I know of, no, sir.

15 Q And I mean in the square area. I don't mean in

16 all of Lafayette County.

17 A I gotcha. I can't --

18 I don't know.

19 Q Did you try to break up the event because you

20 thought it was a safety hazard as it was being performed?

21 A No, sir.

22 Q Okay. And although pedestrians went up to them,

23 I assume at least some of them with some animosity; right?

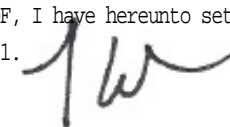
24 A I don't know.

25 I had a deputy go there to stand by, and I don't

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2 know if people were upset or if they had discussions. I  
3 just don't know.  
4 Q Okay. But whenever that was, no violence erupted  
5 from it; right?  
6 A Yes, sir.  
7 Q Yes, sir, you agree with me?  
8 A Yes, sir, there was no violence.  
9 Q Okay. And no one was in some other way hurt by  
10 it -- well, at least physically hurt by it?  
11 A That's correct.  
12 Q And no property was damaged; right?  
13 A No, sir.  
14 MR. YOUNGWOOD: Okay. Lily, Jack, unless you  
15 want to talk to me or have something else, I think  
16 we're done.  
17 Let me just make sure my co-counsel doesn't have  
18 something.  
19 THE WITNESS: Yes, sir.  
20 MS. CRON: I think that we're good.  
21 MR. WILLIAMS: I don't have anything else to add.  
22 MR. YOUNGWOOD: Sheriff, I don't know if  
23 Mr. O'Donnell has questions for you, but if not, I  
24 thank you for your time. I know you have a very busy,  
25 important job, and I appreciate you giving us your time

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2 C E R T I F I C A T E  
3  
4 I, Gina Williams, Registered Professional  
5 Reporter, certify that I was authorized to and did  
6 stenographically report the foregoing deposition; and that  
7 the transcript is a true record of the testimony given by  
8 the witness; that the witness did not waive reading and  
9 signing.  
10 I further certify that I am not a relative,  
11 employee, attorney, or counsel of any of the parties, nor am  
12 I a relative or employee of any of the parties' attorney or  
13 counsel connected with the action, nor am I financially  
14 interested in this action.  
15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 2nd day of January, 2021.   
17  
18  
19 Gina Williams, RPR, CRR, CRC  
20  
21  
22  
23  
24  
25

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2 today and whatever time you spent with Mr. O'Donnell to  
3 prepare for this. I know it's not something that is,  
4 in your view, the best use of your time, so I thank you  
5 for that.  
6 THE WITNESS: Yes, sir, thank you.  
7 MR. O'DONNELL: John, I have no questions.  
8 MR. YOUNGWOOD: Thank you. Have a nice weekend,  
9 everybody. Be well. We can go off the record.  
10 VIDEOGRAPHER: This is the end of the deposition.  
11 The time is 2:36 p.m.  
12 MR. YOUNGWOOD: Just regular service is perfect.  
13 I appreciate that.  
14 MR. O'DONNELL: Written transcript for me.  
15 (Whereupon, the deposition was concluded at  
16 2:36 p.m.)  
17  
18 JOEY EAST  
19 Subscribed and sworn to before me this  
20 \_\_\_ day of \_\_\_\_, 2020.  
21  
22  
23  
24  
25

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5 - - - -  
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11 October 3, 2017  
12 Exhibit 50 Minutes of City of Oxford Board of 35  
13 Aldermen Regular Meeting dated May  
14 15, 2018  
15 Exhibit 52 Minutes of City of Oxford Board of 37  
16 Aldermen Regular Meeting dated June  
17 19, 2018  
18 Exhibit 55 Minutes of City of Oxford Board of 40  
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20 17, 2018  
21 Exhibit 57 Petition 42  
22 Exhibit 58 Minutes of City of Oxford Board of 43  
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24 September 4, 2018  
25 Exhibit 59 Ordinance Amending Chapter 14 44  
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24  
25

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4	Exhibit 4	E-mail Chain dated June 3, 2020, Bates Lafayette County Doc001635 and _36	65	4	Exhibit 12	E-mail dated June 18, 2020, Bates Lafayette County Doc000504 and _05	113
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12	Exhibit 7	Order: Amend Facility Use Policy Regarding Use of Courthouse Grounds dated June 15, 2020, Bates Lafayette County Doc000052	82	12	Exhibit 18	E-mail Chain dated June 2020, Bates Lafayette County Doc000281	124
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14	Exhibit 29	Order: Approve Revision of Facilities Use Policy to Include a Requirement of Application to be Made 14 Days Prior to Date of Proposed Use and Requiring Closure of Courthouse Grounds 30 Minutes Before Dusk dated July 20, 2020, Bates Lafayette County Doc000001	98	14	Exhibit 19	E-mail dated June 25, 2020, Bates Lafayette County Doc000283	125
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20	Exhibit 10	E-mail dated June 17, 2020 and Attachments, Bates Lafayette County Doc000249 through _253	106	20	Exhibit 42	Photograph	146
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2	EXHIBIT NO.:	PAGE		2	ERRATA SHEET FOR THE TRANSCRIPT OF:		
3	Exhibit 25	Lafayette County Board of Supervisors dated July 6, 2020, Bates Lafayette County Doc000011 through _13	148	3	Case Name:	Rash v. Lafayette County	
4				4	Dep. Date:	December 18, 2020	
5	Exhibit 26	E-mail dated July 15, 2020 and Facility Use Application and Permit dated July 14, 2020, Bates Lafayette County Doc000321 and _22 and E-mail dated July 16, 2020, Bates Rash - Sheriffs Department Docs - 012	156	5	Deponent:	Joey East	
6				6	CORRECTIONS:		
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8	Exhibit 27	Facility Use Application and Permit dated July 14, 2020, Bates Lafayette County Doc000030	168	8	_____	_____	
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10	Exhibit 29A	Minutes of Lafayette County Board of Supervisors dated July 20, 2020	173	10	_____	_____	
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15	Exhibit 32	E-mail dated August 21, 2020, Bates Lafayette County Doc000347	182	15	_____	_____	
16	Exhibit 33	E-mail Chain dated August 21, 2020, Bates Lafayette County Doc000348	183	16	_____	_____	
17				17	_____	_____	
18	Exhibit 35	Letter to Mayor Robyn Tannehill, Letter dated September 8, 2020 and Attachments, Bates Lafayette County Doc000364 through _370	185	18	_____	_____	
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20	Exhibit 60	E-mail Chain dated October 9, 2020 and November 18, 2020	190	20	Signature of Deponent		
21				21	Subscribed and sworn to before me this		
22	Exhibit 61	Data Information 1 - 5	191	22	____ day of _____, 20__.		
23	Exhibit 64	Photograph	196	23	My commission expires:_____		
24	Exhibit 65	Photograph	196	24	Notary Public		
25				25			



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